fidh
International Federation for Human Rights

Viasna

International fact-finding mission

Conditions of Detention in the Republic of Belarus

June 2008 - N°500/2

TABLE OF CONTENTS

INTRODUCTION

This report is a result of a joint fact-finding mission of the International Federation for Human Rights (FIDH) and the Human Rights Center “Viasna”, which visited the Republic of Belarus from October 29 till November 4, 2007. The mission was composed of:

Souhayr Belhassen, President of FIDH;
Kirill Koroteev, Lawyer of the Human Rights Center “Memorial”, Russia, Representative of the FIDH;
Maria Chichtchenkova, Representative of the FIDH.

Mission members, pursuant to their mandate to investigate conditions of detention in Belarus, met with ex-convicts, relatives of prisoners, defense attorneys, members of non-governmental human rights organizations, a former investigator and a former Judge of the Constitutional Court of the Republic of Belarus. A full list of people met by the mission is given below.

Despite numerous requests sent to Belarusian ministries beginning in September 2007, the mission was not granted an opportunity to meet with representatives of Belarusian authorities or to visit detention facilities. On the day of the mission’s arrival in Minsk, the Belarusian Ministry of Justice and the Ministry of the Interior said that they were awaiting permission from the Ministry of Foreign Affairs to meet with the mission members. On October 31, 2007, the Belarusian Ministry of Foreign Affairs responded that they were aware of the FIDH visit and were ready to meet with the mission members “depending on the availability of the ministry’s employees”. However, the meetings never took place.

The mission members regret that they were not able to become acquainted with the Belarusian authorities’ views regarding the issues addressed in the report.

The mission used the European Prison Rules[1] and the case-law of the European Court of Human Rights as the frame of reference for evaluating prison conditions in the Republic of Belarus. Belarus is not a member state of the Council of Europe, but the documents of this body reflect the contemporary understanding of human rights on the European continent. Also, the 47 member states of the Council of Europe have signed the Convention for the Protection of Human Rights and Fundamental Freedoms, Article 3 of which prohibits the use of torture and inhumane and degrading treatment and punishment. This provision does not allow the member states to extradite or deport individuals to countries where they may be subjected to treatment prohibited by Article 3 of the Convention[2]. Thus, when deciding on extradition or deportation, competent courts in the Council of Europe member states must examine prison conditions in the Republic of Belarus in light of the European standards.

In the course of the visit to the Republic of Belarus, the mission members received substantial evidence of the use of torture and ill-treatment during criminal and administrative investigations. Individuals suspected of or charged with committing crimes or administrative violations are often subjected to beatings. Collected evidence demonstrates that cases of torture are not unusual among Belarusian law-enforcement bodies. However, detailed examination of the use of torture in Belarus is beyond the scope of this report.

Prison conditions in Belarus have been subject to little research; there are no official publications dedicated to this issue in the country. There is virtually no civic monitoring of detention facilities. Over the last several years, no independent human rights organization has been able to receive access to detention facilities to monitor their conditions. According to the International Committee of the Red Cross (ICRC) office in Kiev, in charge of the situation in Belarus, the ICRC couldn't visit the detainees in Belarus.

Political context

Alexander Lukashenko is the first president of the Republic of Belarus. He was elected on July 20, 1994, and has remained in power due to a series of constitutional changes.

The referendum of November 1996 amended the Constitution in such a way so as to expand presidential power and to extend his first term of office by two years. The Supreme Council, which was elected in 1995, was then dismissed and replaced by a two-chamber parliament, whose deputies were in fact appointed by the president[3]. After the referendum and dismissal of the Parliament, on January 13, 1997, Belarus was stripped of its status as special guest of the Council of Europe Parliamentary Assembly.

In 1999 several individuals disappeared in Belarus, including a former Minister of Interior Yuri Zakharenko,

Vice-speaker of the Parliament of Belarus Viktor Gonchar and businessman Anatoli Krasovski. On July 7, 2000, cameraman Dmitri Zavadski also disappeared. Official investigations brought no results. In 2002, a special committee for investigating disappearances in Belarus was created under the Committee on Legal Affairs and Human Rights of the Parliamentary Assembly of the Council of Europe (PACE). In 2004, PACE's Special Rapporteur on disappearances in Belarus, C. Pourgourides, published a report on the results of the investigations which, in particular, said that there are substantial grounds to believe that some high Belarusian governmental officials could have been involved in the disappearances of the politicians[4]. In its resolution adopted in 2003, the UN Commission on Human Rights[5] expressed its deep concern regarding «reports from credible sources, including statements of former investigators and senior law enforcement officials of the Government of Belarus, implicating senior government officials of the Government of Belarus in the forced disappearance and/or summary execution of three political opponents of the incumbent authorities and of a journalist; about reports of arbitrary arrest and detention; about persistent reports of harassment of non-governmental organizations, opposition political parties and individuals engaged in opposition activities and independent media; about reports of potential increased restrictions on the activities of religious organizations». Grave violations of human rights were further recalled in the 2004 and 2005 resolutions of the Commission[6] and in the decision of Human Rights Council of June 30, 2006[7].

The resolution on the situation of human rights in Belarus adopted by the UN General Assembly on March, 8 2007[8] notes the «failure of the Government of Belarus to cooperate fully with all the mechanisms of the Human Rights Council, in particular with the special rapporteur on the situation of human rights in Belarus, while noting the serious concern relating to the deterioration of the human rights situation in Belarus».

On September 9, 2001, A. Lukashenko was reelected for a five-year term in the first round of elections with an official result of 76.6% of votes. Elections were conducted with numerous vi-olations and OSCE observers considered their results illegitimate.[9]

On October 17, 2004, during parliamentary elections Lukashenko organized a referendum on whether or not he could run for president again in 2006, even though the Belarusian constitution sets a two-term limit on the presidency. During the referendum 77.3% of the voters supported the introduction of an amendment to the Constitution which would eliminate this limit. The illegitimate referendum of 2004, lack of possibilities for free and fair elections in 2006, suppression of demonstrations, arrests of demonstrators and members of the opposition, ill-treatment of political prisoners, and the lack of any progress in investigating the disappearances of Zakharenko, Gonchar, Krasovski and Zavadski, caused the European Union to introduce sanctions against Belarusian high governmental officials in 2004, and again in 2006, prohibiting them from entering any countries of the EU. In May 2006 the EU expanded its sanctions and froze the European bank accounts of the Belarusian president and 35 other governmental officials[10]. In October 2006 four more Belarusian officials were included in the list of individuals subjected to the sanctions[11]. Due to the lack of progress, in March 2007[12] and April 2008 the sanctions were extended for another year period, until April 10, 2009.

In parallel, in December 2003, several international and European trade unions made a request to the EU for an investigation on the violations by Belarus of the freedom of association and of the right to collective bargaining under ILO Conventions No. 87 and No. 98.

After having concluded that those violations were "serious and systematic" the EU decided in December 2006 to temporarily withdraw access to the generalised tariff preferences from the Republic of Belarus.

The elections of March 19, 2006 were made to look pluralistic. Besides Lukashenko, three other candidates ran for president: Alexander Milinkevich, who was the single candidate from the democratic opposition elected during the Congress of democratic powers in October 2005, which united political parties and non-governmental organizations; Alexander Kozulin, a candidate from the Social Democratic party and former Rector of the Belarusian State University; and Sergei Gaidukevich, the leader of the Liberal Democratic party loyal to Lukashenko.

During the election campaign, Lukashenko, as the incumbent, broadly used all methods of cam-paigning while the two candidates from the opposition were subjected to restrictive measures. The percentage of votes in favor of Lukashenko[13], announced on March 19, 2006, was so high that few people doubted that it was the result of massive fraud. The OSCE Election Observation Mission

published a report which concluded that “the conduct of the 2006 presidential elections in Belarus failed to meet OSCE commitments for democratic elections”[14].

On the evening of March 19, 2006, thousands of people came out to Oktiabrskaya square in Minsk to protest against the falsification of the election results. Hundreds set up a tent camp on the square. On the night of March 23, the police stormed the camp and used brutal force to arrest all its occupants. Those arrested were sentenced to administrative imprisonment.

On March 25, 2006, on the anniversary of the Belarusian People’s Republic proclaimed in 1918, democratic opposition conducted another demonstration, which was also brutally suppressed by the police, while many demonstrators were arrested. On the same day the police also arrested Alexander Kozulin, who in July 2006 was sentenced to five and a half years of imprisonment for “disorderly acts” and “organization of group activities grossly violating public order”.

Since coming to power President Lukashenko has gradually built a system which allows him to remain in power. In particular, candidates for parliamentary or local council elections are now appointed by the presidential administration, while local election committees fall under the control of the executive branch. Lukashenko claims that he acts in the interests of the Belarusian people, while political parties act in private interests, and he strives to diminish their influence through legislative manipulations and the repression of political activists. A state ideological system has been established in the country. Classes on “Belarusian state ideology” are included in the curricula of secondary schools and universities, and, as during Soviet times, on the staff of every company there is a person in charge of conducting ideological work with all the employees. State mass media have been turned into instruments of propaganda, while the few remaining mass media outlets are under constant threat of closure or bankruptcy. There are no independent TV or radio channels in the country, even though this type of mass media is the primary source of information for the majority of Belarusian citizens. “Solely for the purposes of political mileage the president is using the whole set of instruments available to an ideal dictator, who came to power imitating observance of democratic and constitutional mechanisms and eliminating political competition: repressions of members of the opposition, purges among governmental officials, censorship of mass media, dismissal of parliament, a sequence of rigged referendums, falsified elections, corruption, Praetorian Guard, populist discourse, state nationalism, reactionary ideology, dressed up as contemporaneity and pragmatism”[15].

Legislative changes

In 2005 a number of changes were introduced into Belarusian legislation (effective as of January 1, 2006) which laid a legal foundation for further human rights violations. The Criminal Code included new provisions: Article 193-1 – “illegal organization of activities of public associations, religious groups or foundations or participation in their activities”, which provide for six months to two years of imprisonment; and Article 193 – “organization or management of public associations or religious groups infringing upon personhood and citizens’ rights and obligations”, which provides for six months to three years of imprisonment. Article 293 was amended by the insertion of the third section, according to which the organization and funding of mass disturbances is punished by six months to three years of imprisonment. Article 342 was amended by an appendix according to which teaching or in other ways preparing people for participation in activities which grossly violate public order, as well as funding such activities, where there is no evidence of more serious crimes, is punished by six months to two years of imprisonment. Punishment for public calls to seize power (Article 361) was increased, providing for six months to three years of imprisonment. The Criminal Code also included a new article on “discrediting the Republic of Belarus” (Article 369-1), which provided for six months to two years of imprisonment.

On January 9, 2006, not long before the presidential elections (March 19, 2006), the Criminal Code also included a new Article 290-1 on “funding terrorist activities”, which provides for 8 to 12 years of imprisonment and confiscation of property. In December 2006 Belarusian Parliament adopted a law “On counter-extremism”, which included in the term “extremism” not only actions but also calls to extremist activities as well as any assistance in their implementation.

These legislative changes provided a legal basis for repression which was increased on the eve of the 2006 presidential elections. According to the Human Rights Center “Viasna”, during the election period more than 1000 people were arrested and given administrative sentences, while several thousand people were the victims of various human rights violations. Hundreds of people, including

many journalists, were subjected to abuse by law-enforcement bodies.

Human rights violations

Over the last several years mass human rights violations continued in Belarus. The situation became particularly aggravated during election campaigns and mass protest actions. The authorities limited the freedom of peaceful demonstration and even systematically prohibited them under false pretexts, claiming, in particular, that during mass actions it is difficult to protect public order. Peaceful demonstrations were brutally suppressed and their participants were subjected to police beatings and arrests. Belarusian authorities systematically use such measures as firing demonstrators from their jobs and expelling them from universities.

As recently as 2007, the authorities arrested more than 600 people[16] who were exercising their constitutional rights and charged them with administrative offences. At the time when the mission was conducting its research, four people, regarded by Belarusian human rights organizations as political prisoners, were serving long prison terms. Alexander Kozulin, a candidate for the 2006 presidential elections and a former Rector of the Belarusian State University, was sentenced to five and a half years of imprisonment after being convicted in accordance with Article 339, part 2, of the Criminal Code (disorderly conduct) and Article 342, part 1, of the Criminal Code (organization of group activities grossly violating public order and involving obvious disobedience of the authorities' legal orders or leading to disruption in the work of transport, enterprises, establishments or organizations, or active participation in such activities where there is no evidence of more serious crimes). On August 1, 2007, after publishing an article on the Internet, a publicist and a member of the United Civic Party, Andrei Klimov, was sentenced to two years imprisonment in accordance with Article 361, part 3, of the Criminal Code (calls to overthrow or change the constitutional regime of the Republic of Belarus or committing crimes against the state using mass media) and Article 368 of the Criminal Code (insulting the president). On November 1, 2006, the leader of the "Malady Front" Dmitrii Dashkevich was sentenced to 18 months imprisonment in accordance with Article 193.1 of the Criminal Code for participating in activities of an unregistered NGO. On May 10, 2006, an activist of the "Malady Front" Artur Finkevich was tried and sentenced in accordance with Article 339 of the Criminal Code (aggravated disorderly conduct) after writing graffiti "We want a new one!". In the course of drafting this report Andrei Klimov, Dmitrii Dashkevich and Artur Finkevich were released[17].

Belarusian authorities systematically refuse to register non-governmental organizations, which puts NGO members under a constant threat of prosecution "for activities within an unregistered organization" (Article 193 of the Criminal Code). Criminal prosecutions primarily target members of youth and political organizations. In 2007 eight members of the "Malady Front" were subject to fines and warnings in accordance with Article 193-1 of the Criminal Code, while dozens of other members of this organization were interrogated and subject to investigation. In 2006 four members of the NGO "Partnerstvo" (Partnership) and two members of the "Malady Front" were convicted under the same article of the Criminal Code, which led to prison sentences for five of the convicts and a fine for one of them. No acquittals were granted to defendants charged under this article.

It is difficult to carry out human rights activities in Belarus. In 2007 the Belarusian Helsinki Committee remained the only human rights NGO legally registered in the country. However, the Supreme Economic Court of the Republic of Belarus has yet to resolve the case about the liquidation of the Belarusian Helsinki Committee, as its examination has been suspended. In 2007 under various pretexts registration was denied to the association "Likvidator" and to the civic human rights movement "Za Svobodu" (For Freedom).

Decisions of intergovernmental organizations and documents signed by the Republic of Belarus, particularly in the area of freedom of association, are not observed in Belarus. Thus, in July 2007 the UN Human Rights Committee examined the liquidation of the Human Rights Center "Viasna" in 2003 under HRC's individual Procedure and ordered Belarusian authorities to register this organization and stop limiting the freedom of association. Disregarding this decision, in 2007, the Ministry of Justice again refused to register an NGO created by founders of the Human Rights Center "Viasna". The Supreme Court of the Republic of Belarus rejected a complaint from the applicants in October 2007.

1. Recommendation Rec(2006)2 of the Committee of Ministers of the Council of Europe to member states on the European Prison Rules (Adopted by the Committee of Ministers on 11 January 2006 at the 952nd meeting of the Ministers' Deputies).
2. See, among many other decisions: Eur. Ct. H.R., *Soering v. the United Kingdom*, judgment of 7 July 1989, Series A no. 161, pp. 35-36, §§ 89-91; Saadi v. Italy [GC], no. 37201/06, 28.02.2008, § 138, ECHR 2008-…
3. On November 27, 1996, the President issued an order on the composition of the Lower Chamber of the Parliament, which included 110 loyal to the President deputies of the former Supreme Council. The Upper Chamber consists of eight deputies from each of the six regions and Minsk city, which are appointed by regional administrations (whose heads are appointed by the President), and another eight deputies appointed personally by the President.
4. Disappeared Persons in Belarus, Report by the Committee on Legal Affairs and Human Rights, C. Pour-gourides, Doc. 10062, February 4, 2004. http://assembly.coe.int//Main.asp?link=http://assembly.coe.int/Documents/WorkingDocs/doc04/EDOC10062.htm
5. Situation of human rights in Belarus, UN Commission on Human Rights resolution 2003/14, Avril, 17 2003
6. Situation of human rights in Belarus, UN Commission on Human Rights resolution 2004/14, Avril, 15 2004 and 2005/12, April 14, 2005
7. UN General Assembly Official Records, Sixty-first session. Supplement No. 53 (A/61/53)
8. Resolution A/RES/61/175
9. In the 2001 elections three people ran for the President of Belarus: Alexander Lukashenko; a candidate from opposition, Chairman of the Federation of Belarus Trade Unions, Vladimir Goncharik; and a leader of the Belarusian Liberal Democratic Party, Sergei Gaidukevich.
10. Resolution of the Council of the European Union, N765/206, May 18, 2006.
http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2006:134:0001:0011:EN:PDF
11. Resolution of the Council of the European Union, # 1587/206, October 23, 2006.
http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2006:294:0025:0026:EN:PDF
12. General position of the Council of the European Union 2007/173/CFSP, March 19, 2007
http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2007:079:0040:0040:EN:PDF
13. According to the Central Election Committee Lukashenko received 83% votes in the first round.
14. Republic of Belarus, Presidential elections of March 19, 2006, OSCE/ODIHR Election Observation Mis-sion Report,
http://www.osce.org/documents/odihr/2006/06/19393_en.pdf
15. J.-C. Lallemand, V. Simaniec, *Biélorussie* : mécanique d'une dictature, P., Les Petits matins, 2007.
16. See list of persons charged with administrative violations in 2007, drafted by the Human Rights Center "Viasna"
http://spring96.org/persecution/?Name=&DateFrom=2007-01-01&DateTo=2007-12-31&JDateFrom=&JDateTo=&ArticleID=&Judge=&Town=&Court=&ArrestFrom=&ArrestTo=&FineFrom=&FineTo=&iDecriprion=&Page=0
17. On January 23, 2008, Dmitri Dashkevich was released before the end of his sentence; Artur Finkevich was released on February 5, 2008, right in the courtroom where his appeal was examined; Andrei Klimov was released on February 15, 2008, by presidential decree from February 11, 2008, "due to completion of serving his sentence". These releases were possible thanks to the efforts of the International Community, in particular the European Union, which made the release of political prisoners a primary condition for normalizing its relations with Belarus.

I. LEGAL FRAMEWORK

The Republic of Belarus is a country in the center of Europe, with a total area of 207.6 thousand square kilometers and a population of approximately 9.7 million people. Belarus became inde-pendent in 1991 after the collapse of the Soviet Union; however it was one of the founders of the United Nations[18]. Yet, Belarus is the only European country which has not yet joined the Council of Europe[19].

Belarus applied for membership in the Council of Europe on May 12, 1993. The Committee of Ministers of the Council of Europe granted it a candidate status on April 15, 1993[20]. The Parlia-mentary Assembly of the Council of Europe granted the Belarusian Parliament a special guest status on September 16, 1992. On January 13, 1997, the status was suspended after the 1996 elections and constitutional referendum, which were considered non-democratic. On January 20, 2004, the Bureau of the Parliamentary Assembly refused to reinstate the special guest status of the Belarusian Parliament and explained that the reasons for its suspension had not been eliminated. Consequently, Belarus is not a party to the European Convention on Human Rights.

In its Resolution # 1506 (2006) on external relations of the Council of Europe, the Parliamentary Assembly expressed its concern that Belarus has not taken any significant steps to observe the fundamental principles of the organization to which it applied for membership[21].

As a member state of the OSCE, Belarus is bound by the OSCE commitments in the field of the human dimension, including civil and political rights and relating to the rule of law. However, these documents do not have the character of legally binding treaties under international law, they represent a political promise to comply with OSCE standards reflected in its documents.

Thus, at present Belarus is only legally bound by human rights treaties which were adopted within the framework of the UN and the ILO Conventions.

A. International obligations

This chapter will examine how Belarus complies with its international human rights obligations (1) and how it cooperates with UN bodies and mechanisms, primarily those of the UN Human Rights Council (2).

1. Treaty obligations

Belarus is a contracting party to the International Covenant on Civil and Political Rights (a) and the UN Convention Against Torture (b), two international instruments of particular relevance in clarifying state obligations with regard to prison conditions.

a) International Covenant on Civil and Political Rights

Belarus ratified the International Covenant on Civil and Political Rights (ICCPR) on November 12, 1973. The Covenant came into force on March 23, 1976. On September 30, 1992, Belarus made a declaration in accordance with Article 41 of the Covenant (recognition of the competence of the UN Human Rights Committee (UN HRC) with regards to inter-state communications) and on the same day it ratified the First Optional Protocol, which came into force on December 30, 1992.

Up to now Belarus has submitted four reports to the UN HRC (one initial report and three periodic reports). The fifth and the sixth periodic reports were supposed to be filed on November 7, 2001, and on November 7, 2006. However, they had not been filed by the time this report was published.

The fourth and the last report by Belarus[22], which was submitted in 1996, did not mention the issues of prohibition of torture and ill-treatment or problems with prison conditions. Belarusian authorities considered it enough to quote Article 25 of the Constitution, which says that “no one shall be subjected to torture or to cruel, inhumane or degrading treatment or punishment”.

In its concluding observations on the fourth report dated November 6, 1997, the UN HRC expressed its concern with significant evidence of the use of torture during peaceful demonstrations, arrests and detentions by the police and other law-enforcement bodies, as well as with frequent use of weapons by law enforcement officers. The HRC noted that such cases are not investigated by independent bodies, that charges are rarely brought, and that the number of convictions is extremely small. The HRC expressed its concern that the combination of these circumstances may lead to impunity of police and law enforcement officers[23].

The UN HRC also expressed its dissatisfaction with the fact that detention facilities are controlled by the General Prosecutor's Office and that there are no independent mechanisms for investigating complaints of detainees. The UN HRC expressed its particular concern with prison conditions, noting such problems as over-crowding, placement in punitive isolation cells, decrease of food rations for those kept in such cells, planting of "pressmen" (special law enforcement agents who beat and torture inmates to obtain confessions and testimonies), and prison conditions for capital convicts.

b) UN Convention Against Torture

Belarus ratified the UN Convention Against Torture on March 13, 1987. It came into force on June 26, 1987. Up to now Belarus has submitted to the UN Committee against Torture (CAT) three reports (one initial report and two periodic reports). The third report (the last one to date) was supposed to be submitted to the Committee in 1996, but in fact was filed only in April 2000. The fourth and the fifth reports were supposed to be filed on June 25, 2000, and on June 25, 2004, respectively, but had not been submitted by the time this report was published.

The third periodic report contains only a short description of the laws that may be related to the subject of the Convention[24]. It also includes a short note about training law enforcement officers in the area of torture prevention[25].

In its concluding observations on the third report on Belarus, the UN Committee against Torture did not mention any positive changes in the application of the Convention, expressing satisfaction only with the removal of a reservation to Article 20 of the Convention[26], the ratification of the UN Convention relating to the Status of Refugees (1951), and Belarus's cooperation with UN Special Rapporteurs[27], while continuing to note many problems.

The UN Committee against Torture expressed its concern with the following problems[28]:

- General deterioration of the human rights situation in Belarus since the review of the second periodic report in 1992, including constant violations of freedom of speech, particularly limitation of mass media independence and violation of freedom of peaceful assembly, which prevent the possibility of full implementation of the Convention;

- Lack of a concrete definition of torture in the Criminal Code of the Republic of Belarus as provided in Article 1 of the Convention, which means that the use of torture is not punished appropriately as required by Article 4, part 2, of the Convention;

- Substantial evidence of the use of torture and other cruel, inhumane and degrading treatment and punishment by governmental officials or with their knowledge, in particular against political opponents and peaceful demonstrators, including disappearances, beatings and other actions violating the Convention;

- Inability of the authorities to conduct prompt and impartial investigations of allegations of torture; inability of the authorities to prosecute those guilty of using torture, as required by Article 12 and 13 of the Convention;

- Over-crowding, bad nutrition, lack of hygiene and medical care, and wide-spread tuberculosis in prisons and pre-trial detention facilities.

The UN Committee against Torture recommended Belarusian authorities, *inter alia*, to take measures to improve prison conditions and to provide access to detention facilities to reliable and impartial observers whose conclusions would be made publicly available. According to the Human Rights Center "Viasna", these recommendations have not been followed. This has also been noted by the UN Special Rapporteur on Human Rights in the Republic of Belarus (see below).

2. Cooperation between Belarus and UN mechanisms

In the area of supervising prison conditions, the most important steps were the invitation by Be-larusian authorities to the UN Working Group on Arbitrary Detention to undertake a visit to the country in 2004 (a) and the establishment of the mandate of the UN Special Rapporteur on the human rights situation in Belarus by the UN Human Rights Commission(b).

a) UN Working Group on Arbitrary Detention

The UN Working Group on Arbitrary Detention visited Belarus from August 16 to 26 of 2004. It visited 15 detention facilities, including correction centers, prisons, pre-trial wards, temporary confinement cells, juvenile

colonies, asylum-seekers' wards, psychiatric clinics, and police de-partments. The authorities were not always informed in advance about the visits. However, the Working Group was not granted access to penitentiary facilities controlled by the KGB. Members of the Working Group met in confidence with more than two hundred prisoners.

The Report of the Working Group for the UN Commission on Human Rights[29] notes that the conditions of pre-trial facilities are much harsher than those in prisons, as all contacts with relatives are strictly limited, phone calls are prohibited, receipt of parcels is restricted, and active physical movement is not possible. Such conditions violate the presumption of innocence guaranteed by the Constitution of the Republic of Belarus. The report also notes significant over-crowding in pre-trial detention facilities.

Thus, from the very beginning of detention detainees are subjected to psychological pressure with the purpose of obtaining confessions from them. Confessing enables prisoners to expedite the hearings process, allowing them to retain the possibility of receiving amnesty after sentencing, while filing motions and complaints prolongs imprisonment in harsh conditions. The Working Group found that such practices violate principles of international law, according to which no one can be forced to testify against himself.

The Working Group also received reports stating that charges brought by investigators were often different from the actual reasons of arrests, especially in politically motivated cases. This is possible because of the vagueness of the law, which violates the presumption of innocence and creates great potential for abuse. The Working Group also presumed that attempts by the police to demonstrate efficiency in combating crimes lead to the fabrication of criminal cases from the very beginning of detention, i.e. from arrest. The system by which detainees in pre-trial detention facilities are pressured to give confessions and by which judges demonstrate too much trust in the evidence, statements and protocols presented by investigators, makes it impossible to defend the accused. No independent bodies are permitted to supervise the investigation process internally or externally, which allows those who fabricate criminal cases to avoid punishment[30].

The Working Group noted that serious crimes (such as terrorism, organized crimes, trafficking of people, drugs and weapons) and politically motivated cases are investigated by the KGB, whose officials are supervised by the Prosecutor's Office. The Working Group also noted that in practice there is no supervision over the KGB pre-trial facility. The Working Group stressed that detainees of the KGB pre-trial facility face a high risk of abuse and have only hypothetical legal remedies[31].

The Working Group recommended that Belarusian authorities, inter alia, take all necessary measures to improve conditions in pre-trial facilities, eliminate the problem of over-crowding and observe the Standard Minimum Rules[32] for the Treatment of Prisoners[33]. UN experts also recommended that the government allow exterior supervision of detention facilities and more active participation of civil society[34].

b) UN Special Rapporteur on Human Rights in Belarus

The mandate of the Special Rapporteur on Human Rights in Belarus was established by Resolution 2004/14 of the UN Commission on Human Rights. Adrian Severin was appointed as Special Rapporteur on the situation in Belarus. By this resolution the Commission authorized the Special Rapporteur to establish direct contact with the government and people of the Republic of Belarus in order to study the human rights situation in the country. The mandate was extended by the Commission's Resolution 2005/13. The newly created UN Human Rights Council confirmed the mandates of all Special Rapporteurs in its decision # 1/102 of June 30, 2006.

In June 2007 the UN Human Rights Council decided not to extend the mandate of the Special Rapporteur on the situation in Belarus, and not long before that (on May 17, 2007) Belarus's membership in the UN Human Rights Council was rejected because of massive human rights violations in the country. Thus, the decision not to extend the mandate on Belarus was the result of the alignment of forces within the Council and of its internal reforms which concentrated, in particular, on eliminating "non-consensual" mandates, rather than on the evaluation of the Special Rapporteur's work. Within the country, the abolition of the Special Rapporteur on the situation in Belarus was presented as the regime's diplomatic victory, while the Republic's civil society lost an important mechanism which provided an unbiased view of the situation in the country.

Mr. Severin presented his first report to the UN Commission on Human Rights on March 18, 2005[35]. Belarusian authorities rejected his request to visit the country and refused to cooperate with his mandate. In order to gather

necessary materials the Special Rapporteur had to travel to other countries to meet with his correspondents, including Belarusian defense attorneys, human rights defenders, and representatives of mass media, associations and independent trade unions.

In his report, the Special Rapporteur described several cases when torture was allegedly used by representatives of the Belarusian authorities. The case of Maksim Khromel, who died in a Minsk pre-trial facility from a cerebral hemorrhage resulting from severe beatings by law-enforcement officers on January 23, 2004, is still unresolved[36].

Given the nature of the crime and the strictly limited access to detainees awaiting the death penalty or kept in military detention facilities, the Special Rapporteur claimed that those comparatively rare cases of torture which become publicly known are only the tip of the iceberg. The lack of any reliable information is a particular cause for concern, as is evidence of the fact that judges are pressured by executive authorities to ignore evidence of the use of torture and to base their judgments on confessions obtained, in particular, with the use of torture[37].

The Special Rapporteur supported the conclusions of the Working Group on Arbitrary Detention and insisted that its recommendations be put in effect[38].

Mr. Severin submitted additional reports to the UN Commission on Human Rights in 2006 and to the UN Human Rights Council in 2007. In both of these reports he specified that recommendations developed by him and by the Working Group on Arbitrary Detention had been ignored by Belarusian authorities.

He stressed that there are still cases of torture and ill-treatment, harsh prison conditions and excessive use of force by law-enforcement bodies in the Republic of Belarus[39].

B. General legal framework in the Republic of Belarus

1. Constitutional norms

The Constitution of the Republic of Belarus was adopted in 1994 and amended by the referenda of November 24, 1996, and October 17, 2004.

Article 24 of the Belarusian Constitution guarantees the right to life, but allows for the death penalty to be applied in accordance with the law and a court judgment as an exceptional measure of punishment for particularly grave crimes until it is abolished.

Article 25 of the Belarusian Constitution secures the principle of respect for human dignity. Part 3 prohibits the use of torture, cruel, inhumane and degrading treatment and punishment.

In accordance with part 2 of Article 25, a person held in custody has the right to judicial examination of the legality of his or her detention or arrest.

The right to life (Article 24 of the Constitution) and prohibition of torture and other cruel treatment (Article 25, part 3, of the Constitution) cannot be restricted even during the state of emergency (Article 63, part 2, of the Constitution).

In accordance with Article 60 of the Constitution everyone shall be guaranteed protection of his rights and liberties by a competent, independent, and impartial court of law within the time period specified by law. Article 62 guarantees the right to legal assistance to exercise and defend one's rights and liberties (including assistance free of charge in cases specified by law) and prohibits restrictions to the provision of legal assistance.

Article 114 of the Constitution states that trials of cases in all courts shall be open; that hearings in camera shall be permitted only in cases specified by law and in accordance with all the rules of legal procedure. Article 115 secures the adversarial principle and equality of arms.

2. Status of judges

The judicial system of Belarus consists of the Constitutional Court, general courts and economic courts. General courts include the Supreme Court (SC), regional courts[40], district (city) courts and military courts. Economic disputes are examined by regional economic courts[41], specialized economic courts (in practice such courts have not been created yet) and the Supreme Economic Court (SEC) of the Republic of Belarus.

The status of judges is regulated by the Code on the Judiciary and Status of Judges adopted on June 29, 2006 (amended by statute on December 30, 2006)[42]. This Code

consolidates the significant dependence of the judiciary on the executive branch and thus undermines the principle of separation of powers secured in Article 6 of the Constitution.

Article 84 of the Code on the Judiciary and Status of Judges (CJSJ) states that judges are civil servants (including Constitutional Court judges) and are subject to the laws on civil service.

Article 8 of the CJSJ defines the procedure for appointing judges. Requirements for judicial candidates (contained in Article 94 of the Code) include taking a qualifying examination before an examination committee. The examination committee consists of judges, representatives of the Ministry of Justice and "other specialists in the area of law". One of the representatives of the Ministry of Justice is an *ex-officio* Deputy-Chairman of the examination committee (Article 96 of the CJSJ). Judicial candidates can be nominated only by the Supreme Court, the Supreme Economic Court and the Ministry of Justice of the Republic of Belarus.

A person who passes the exam receives the status of judicial candidate only upon the approval of the Supreme Court or Regional Judicial Qualification Panel (Article 97 of the CJSJ). The Qualification Panel consists of 9 members, and at least two of them are representatives of the Ministry of Justice or an appropriate regional department of justice depending on the level of the Qualification Panel (Articles 171 and 173 of the CJSJ).

The Ministry of Justice directs the judicial candidate, who is recommended by the Qualifying Panel, to undergo special compulsory training for judges. The Ministry (together with the Supreme Court and the Supreme Economic Court) also determines the conditions and procedures of special training for judges, as well as the curricula (Article 98 of the CJSJ).

In accordance with Article 99 of the CJSJ, judges are appointed by the President of Belarus upon a joint recommendation of the Chairman of the Supreme Court (the Supreme Economic Court for judges of economic courts) and the Minister of Justice. Judges of the Supreme Court and the Supreme Economic Court are appointed by the President upon recommendations of these courts with the approval of the National Assembly.

Initially a judge is appointed for five years and then can be reappointed for another five years or for an unlimited period of time (Article 99, part. 4 of the CJSJ). Thus, the principle of irremovability is not observed in Belarus.

When a judge goes on annual leave, a retired judge or "any other person who meets the requirements for candidates for the position of judges" serves as a substitute (Article 100, para. 1, of the CJSJ). This norm does not require the substitute judge to even be a candidate for the position of a judge, and only demands that he or she "meets the requirements" for such candidates. Thus, the duties of a judge can be performed by those who do not undergo the compulsory procedures necessary for becoming a judge.

The Ministry of Justice is involved in all regular and extraordinary attestations of all judges in the country (Article 104 of the CJSJ). A chairman of a court has substantial power over the judges of the court he chairs, as he distributes the cases between the judges at his own discretion (Article 32 of the CJSJ).

According to Article 111 of the CJSJ, a judge can be subject to disciplinary liability

- For violating the law while administering justice;
- For violating the Code of Honor of Judges;
- For violating internal work regulations or committing another omission.

These extremely broadly defined violations may lead to reprimand, warnings, demotion to a lower rank for a period of up to 6 months or removal from the position (Article 112 of the CSJS). The decision about disciplinary punishment is made by the Qualification Panel (in which, as mentioned above, at least two members out of nine are representatives of the Ministry of Justice).

The right to initiate disciplinary proceedings is granted not only to chairmen of the Supreme Court, Supreme Economic Court, and regional and economic courts, but also to the President of Belarus – with regards to all judges, to the Minister of Justice – with regards to all judges except chairmen of the Supreme Court and the Supreme Economic Court and their deputies, and to the Heads of Departments of Justice of Regional Executive Committees – with regards to judges of district and specialized courts (Article 115 of the CJSJ).

Finally, in accordance with article 183 of the CJSJ, the work of all courts, except the Supreme Court, which has its own system, is supported by the Ministry of Justice of the Republic of Belarus.

In general, judges in the Republic of Belarus are strongly dependent on the Ministry of Justice and the President of Belarus, and the principle of irremovability of judges is not observed. In such conditions it is hardly possible to achieve the separation of powers, independence of the judiciary and effective judicial oversight of the actions of executive and investigative bodies in criminal proceedings.

3. Criminal Procedure Laws

The main source of law on criminal procedure in Belarus is the Code of Criminal Procedure adopted on July 16, 1999 # 295-3[43] and entered into force on January 1, 2001.

In accordance with Article 32 of the Code of Criminal Procedure (CCP), criminal cases are examined by a single judge or, in cases where a defendant may face more than 10 years of imprisonment or death penalty, by a professional judge and two lay judges. Death penalty cases are initially tried by regional courts (Article 268 of the CCP). The requirement for a unanimous decision in death penalty cases (Article 354, part 4, of the CCP) is not a serious barrier for such a sentence as there is no jury, and lay judges, as a rule, follow the opinions of professional judges.

Regional courts also try cases involving crimes against the peace and security of humanity and crimes against the state. The Supreme Court examines criminal cases against deputies of the Belarusian Parliament and judges (Article 269 of the CCP). Regional courts and the Supreme Court can evoke any case from lower courts and examine it on the merits (Article 268, part 2, of the CCP). This violates Article 60 of the Belarusian Constitution which guarantees that everyone is entitled to the protection of his rights and liberties by a competent court of law.

Those suspected of or charged with committing crimes are guaranteed the right to legal assistance from the moment of their arrest or from the moment of receiving an order stating that they are considered a suspect of or charged with a crime (Article 41, para. 2, sub-paras. 6 and 7, Article 43, par. 2, sub-paras. 5 and 6 of the CCP). Suspects or the accused have the right to appeal against the prosecutor's order to apply restrictive measures against them (Article 41, par. 2, sub-par. 17 and Article 43, para. 2, sub-para. 15 of the CCP). However, according to Article 44, par. 7, sub-para. 2, of the CCP, a prosecuting authority (an interrogating officer, an investigator, or a judge), has the right to remove a defense attorney from the proceedings due to circumstances which make his participation in the case impossible. Thus, the right of the defendant to use a defense attorney of his own choice is strictly limited.

Investigation is carried out by four governmental bodies: the Prosecutor's Office, the Ministry of Interior, the KGB (Committee for State Security) and financial investigation agencies (Articles 36 and 182 of the CCP). It is important to note that those who provide confidential assistance for solving crimes cannot be called as witnesses in criminal cases without their consent or without the consent of an appropriate body of criminal prosecution (Article 60, par. 2, sub-par, 8 of the CCP). This provision of the CCP provides the investigation with a source of evidence which cannot be in any way controlled by the defense or by the court. It also gives the prosecution many possibilities for provoking crimes and using evidence received with the use of torture or other forms of cruel, inhumane or degrading treatment, despite Article 8, par. 3, of the CCP, which makes such evidence inadmissible.

Belarusian law differentiates between arrest and measures of restraint, including detention. Arrest means a physical arrest of a person, his transportation to a criminal investigation body and placement in custody for up to 10 days before bringing the charges against him. Decisions regarding arrest can be made not only by an interrogating officer, an investigator or a prosecutor (Article 107, par. 3, of the CCP), but also by any citizen, as Article 109 of the CCP allows a citizen to "seize a person who committed a crime". An arrest warrant cannot be appealed in court.

The CCP contains a number of restrictive measures for suspects and the accused including a written pledge not to leave the place (Article 120 of the CCP), bail (Article 124 of the CCP), house arrest (Article 125 of the CCP) and placement in custody (Article 126 of the CCP). A Prosecutor makes the decision on placement in custody; and during preliminary investigation the period of detention can be extended to up to 18 months (Article 127, par. 5, of the CCP). During trial the decision on the extension of the detention period is made by a judge (Article 127, par. 13, of the CCP). The period of detention decided upon by the judge cannot exceed six months, or 12 months for those accused of felonies. Graveness of the charges can be the

only reason for placing an accused or a suspect in custody (Article 126 of the CCP).

A person placed in custody is entitled to appeal the prosecutor's detention order in court (Article 143, para. 1, of the CCP). However, the court decides on such appeals in the absence of the accused or the suspect, unless the judge rules that his or her presence is necessary due to some exceptional circumstances (Article 144, paras. 2 and 3, of the CCP).

Article 139 of the CCP grants the participants in proceedings the right to appeal the actions of an investigator or a prosecutor to a higher prosecutor. However, in accordance with para. 2 of this article, decisions that in fact can be appealed are: a refusal to open a criminal case and an order to terminate investigation or criminal prosecution, i.e. decisions that are already in favor of the accused or the suspect. Decisions of the investigation which do not serve the interests of the accused or the suspect cannot be appealed in court (with the exception of a detention order as mentioned above).

4. Administrative Offences

According to Belarusian law, a person can be placed in custody not only for committing a crime, but also for committing an administrative offence. Administrative offences are less serious than crimes and are dealt with in streamlined proceedings. In recent years, especially in the year 2007, preventive arrests of supporters on the eve of the protests, followed by a short-term administrative detention, were frequently used as a method of repression against human rights defenders and political activists. This seriously hampered their activities but did not provide legal grounds to speak about "political prisoners" or politically motivated sentences.

The Belarusian Code of Administrative Offences (CAO) was adopted on April 23, 2003[44] and entered into force on March 1, 2007. It defines 17 offences which can lead to administrative arrest and detention. Administrative detention can last up to 15 days for one offence (Article 6.7, para. 1, of the CAO) and up to 25 days for multiple offences (Article 7.4, para. 2, sub-para. 1 of the CAO). Most frequently administrative detention is imposed as a punishment for minor disorderly acts[45] (Article 17.1 of the CAO) and for the violation of procedures for organizing or conducting mass events or picketing (Article 23.34 of the CAO).

The procedure for administrative prosecution is set out by the Code of Administrative Procedure[46] adopted on December 26, 2006. The Code guarantees basic procedural rights for those subject to administrative proceedings; however the Human Rights Center "Viasna" received many reports stating that decisions on administrative cases are often made without sufficient evidence to prove the guilt of specific individuals. Such decisions are often made "by a template" (uniformly), and different cases may lead to identical decisions where only the name of a defendant is different. However, sometimes judges forget even to change a name of a defendant.

5. Status of Defense Attorneys

The status of attorneys is regulated by the Bar Act adopted on June 15, 1993 # 2406-XII[47] (amended by the statutes of July 6, 1998, # 176-3[48], April 30, 2003, # 193-3[49], and June 29, 2006,# 137-3[50]). Article 1 of the Bar Act proclaims the independence of the Bar, but the same Act makes defense attorneys and their professional organizations dependent on the Ministry of Justice. In order to practice a defense attorney must be a member of the Republican Bar. By presidential decree the Private Bar was abolished in 1997.

The Bar Qualification Committee, which decides whether to grant the status of defense attorney and which examines disciplinary cases of defense attorneys, consists not only of professional defense attorneys but also of "representatives of governmental bodies" and "other specialists in the area of law" (Article 10, para. 1, of the Act). The Committee is chaired by the Deputy Minister of Justice (Article 10, para. 2, of the Act).

The Ministry of Justice issues licenses for defense attorneys. The license is issued for 5-10 years and can be extended by the Ministry of Justice upon "application of a licensee, if he or she ob-served the Bar Act, which is determined by the appropriate division of the Bar in the course of attestation" (Article 12 of the Act).

Only members of the Belarusian Specialized Bar are entitled to provide legal assistance to foreign citizens and legal entities in Belarus and to Belarusian citizens and legal entities abroad (Article 13-1, para. 1, of the Act). Additional requirements which need to be met in order to become a member of the Belarusian Specialized Bar, as well as the number of its members, are determined by the Ministry of Justice of the Republic of Belarus (Article 31, paras. 13 and 14, of the Act). The Chair of the Belarusian

Specialized Bar is elected by the general assembly of its members, and is confirmed in the position by the Ministry of Justice (Article 13-1, para. 4, of the Act).

The Ministry of Justice is authorized to issue regulations with regards to operation of the Bar, suspend decisions of the Bar's administration if they violate the law, file motions regarding cancellation of its decisions, supervise the work of the Bar and make sure that all defense attorneys observe the law (Article 31, paras. 1-4, of the Act).

The Ministry of Justice is also in charge of state registration of divisions of the Bar, as well as of changes and amendments to their bylaws (Article 15-1, para. 1, of the Act). It is entitled to verify the validity of documents filed by the Bar for state registration, including changes and amendments to bylaws, and request from governmental bodies additional information supporting the validity of such documents (Article 15-1, para. 4, of the Act).

18. When the UN was established, two of the USSR Republics – Ukrainian SSR and Belorussian SSR – were noted "for special contribution to combating fascism" and granted a status of independent members of the Organization, while still being parts of the Soviet Union. Thus, the USSR which fully controlled the two Republics, had three votes on the General Assembly instead of just one.
19. The only other exception is the Holly See.
20. Resolution of the Council of Ministers (93)9, April 15, 1993.
21. § 16.5 of the Resolution. Also see the Report "External Relations of the Council of Europe" by A. Severin (Doc. 10956, June12, 2005, § 55), which says that Belarus is an unusual country, because it applied for the membership in an organization whose basic principles it does not observe.
22. CCPR/C/84/Add.4, May 30, 1996, http://daccessdds.un.org/doc/UNDOC/GEN/G96/173/10/PDF/G9617310.pdf?OpenElement
23. CCPR A/53/40 (1998), November 6, 1997, § 145, http://daccessdds.un.org/doc/UNDOC/GEN/G97/193/46/PDF/G9719346.pdf?OpenElement
24. CAT/C/34/Add.12, April 27, 2000, http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/CAT.C.34.Add.12.En?OpenDocument
25. Ibid., §§ 36-39.
26. This provision obliges the state to cooperate with the Committee against Torture when the Committee has information about wide-spread use of the torture.
27. CAT/A/56/44 (2001), November 20, 2000, §§ 42-44, http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/A.56.44,paras.40-46.En?OpenDocument
28. Ibid., § 45(a)-(d), (h).
29. E/CN.4/2005/6/Add.3, November 25, 2004, http://daccessdds.un.org/doc/UNDOC/GEN/G04/166/25/PDF/G0416625.pdf?OpenElement
30. Ibid., § 54.
31. Ibid., § 57.
32. Standard Minimum Rules for the Treatment of Prisoners, adopted by the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held at Geneva in 1955, and approved by the Economic and social Council by its resolution 663 C (XXIV) of 31 July 1957 and 2076 (LXII) of 13 May 1977.
33. UN Working Group Report, note 24 above, § 84.
34. Ibid., § 89.
35. E/CN.4/2005/35, March 18, 2005, http://daccessdds.un.org/doc/UNDOC/GEN/G05/129/96/PDF/G0512996.pdf?OpenElement
36. Ibid., § 23.
37. Ibid., § 26.
38. Ibid., § 91.
39. E/CN.4/2006/36, January16, 2006, § 82; A/HRC/4/16, January 15, 2007, pp. 2 §§ 53 and 56.
40. Minsk City Court has the same status as a regional court.
41. Minsk Economic Court has the same status as a regional economic court.
42. National Register of Legal Acts of the Republic of Belarus, 2006, # 107, 2/1236.
43. National Register of Legal Acts of the Republic of Belarus, 2000, # 47, 2/152.
44. National Register of Legal Acts of the Republic of Belarus, 2003, # 63, 2/946.
45. Pubic swearing, insulting harassment and other intentional actions violating public order, work of organizations or piece of citizens and expressed as an obvious disrespect for society.
46. National Register of Legal Acts of the Republic of Belarus, 2007, # 14, 2/1291.
47. Bulletin of the Supreme Soviet of the RB, 1993, # 20, p. 242.
48. Bulletin of the National Assembly of the RB, 1998, # 28, p. 459.
49. National Register of Legal Acts of the Republic of Belarus, 2003, # 53, 2/942.
50. National Register of Legal Acts of the Republic of Belarus, 2006, # 107, 2/1235.

II. CONDITIONS OF DETENTION FOR ADMINISTRATIVE DETAINEES

In Belarus, administrative detention is one of the common ways of combating dissidence. A large number of articles of the Code on Administrative Offences (CAO) is used against public activists in order to stop their activities. In most cases charges have nothing in common with the actual reasons for placement in custody. Thus, political activists and public figures are detained for alleged "minor disorderly acts" ("swearing in a public place" etc.). Administrative arrests may be of a preventive nature, for example, the authorities may arrest organizers of public actions on the eve of an event. Thus, dozens of activists were arrested on the eve of the demonstration "European March", which was scheduled to take place on October 14, 2007.

In most cases the purpose of administrative detention is to intimidate detainees and thus to prevent their further political or civic activities. This was also demonstrated by a surge of administrative arrests conducted on the heels of the presidential election of March 2006. According to the Human Rights Center "Viasna", over the period from March 20 to March 25, 686 people were subjected to administrative arrests in Minsk and approximately another 50 in the provinces. Five of the arrestees were fined, the rest administratively detained for 4 to 15 days[51].

Most of administrative cases are decided in expedited proceedings where witnesses are usually those policemen who carried out the arrests. Authorities place individuals in custody in order to intimidate them and make them suffer, not to punish them for any crimes they may or may not have committed. The penitentiary system does not strive to provide such administrative detention conditions as would observe the human dignity of detainees, on the contrary, it seems to do the opposite.

A. Law on Administrative Detention

Administrative detainees serve their sentences in Temporary detention facilities (TDF) under the Ministry of Interior and in Offenders' Isolation Centers (OIC)[52] where they are established (Article 18.1 of the Code of Administrative Procedure (CAP)). In accordance with Article 18.7, para. 1, of the CAP, administrative detainees are kept in strict isolation. The same Article provides for a minimum of four square meters space per person.

Administrative detainees are allowed to keep writing utensils, books, newspapers and magazines, to watch TV, and to listen to the radio during the day and in the evening. Detention facilities are equipped with socket-powered receivers, which are paid for by establishments in charge of executing administrative penalties (Article 18.7, para. 3, of the CAP). A head of a TDF may allow a detainee to make phone calls if he can pay for them with his own money (Article 18.7, para. 6, of the CAP). Detainees are also entitled to at least a one-hour walk daily (Article 18.7, para. 7, of the CAP).

Administrative detainees' personal belongings and their confinement premises can be searched (Article 18.7, para. 4, of the CAP). They can have no personal meetings, (except with their defense attorney), and they cannot receive parcels, packages or other deliveries, unless they contain living essentials, clothing or seasonal footwear (Article 18.7, para. 5, of the CAP). Administrative detainees must pay for the food they receive in TDF (Article 18.6, para. 2, of the CAP).

B. Conditions of detention

In 2003 the OSCE Mission in Belarus visited the special confinement facility in Minsk on Okrestina street and concluded that conditions of detention do not meet the accepted standards[53]. According to the Human Rights Center "Viasna" the situation has not improved since then.

Cells have no beds or beddings and are poorly heated; in winter time the temperature in cells is close to zero. According to an Appendix to the Internal Regulations of TDFs (approved by the order of the Ministry of Interior from October 20, 2003, #234)[54], a detainee may have only one set of clothing. Given the length of time in anti-sanitary conditions and permission to shower only once a week (sometimes detainees have no opportunity to shower during the entire 15 day period, as described below), it can lead to various skin diseases, and is, as such, a form of degrading treatment.

Conditions deteriorate significantly at the times of mass arrests (for example, during the presidential elections of March 2006), when cells become extremely over-crowded. The OIC on Okrestina street in Minsk, where police normally take people arrested during mass actions,

introduced "a new form of psychological pressure for administrative detainees - a personal search. Several times a week the Center's officers come to the cells and examine personal belongings and clothes of the detainees"[55].

Size of cells and number of inmates

The mission received many reports about over-crowding of prison cells; and this problem becomes particularly acute during mass arrests.

Alyaksei Yanukevich, Vice-Chairman of the party "Belaruski Narodny Front" (Belarusian Popular Front), who also worked in the headquarters of the opposition candidate Alexander Milinkevich, was arrested on March 21, 2006, at 3 a.m. He was charged under Article 167.1, para. 1, of the "old" CAO (Article 23.34 of the "new" CAO) with "organization of an unsanctioned event" and sentenced to 12 days of administrative detention.

A. Yanukevich was serving his sentence in a Special confinement facility of the City Department of Interior of Minsk City Executive Committee (now OIC) on Okrestina street, in the new building – before trial, and in the old one after. Right after the presidential elections the Special confinement facility was overcrowded, and new convicts had to be taken out of the city to Minsk district and to Temporary detention facilities in Zhodino.

"Up to 20 people were forced into a cell of about 8 square meters (OIC on Okrestina street). The cell had four double-decker bunk-beds, probably, there was also a table, and somebody was sleeping on it… After the trial they transferred me to the old building. There were 11 of us in a cell that measured 47 to 43 packs of "Winston" cigarettes (approximately 4 square meters). The cell had no beds, only a platform called "the stage". All of the eleven inmates did not fit on the floor. The first night we tried to make room and sleep on our sides, but it didn't work, so we had to sleep taking turns".

According to B. Garetski who served his administrative detention term in the Special detention facility on Okrestina street in March 2007, at any given time 7 to 12 people were confined in a 6-8 square meters cell (i.e. less than a square meter per person). There were no beds in the cell and all inmates had to sleep on a wooden platform called "the stage". N. Starastina, who was also serving her administrative detention term in the Special detention facility on Okrestina street in March 2007, was confined in a 6-8 square meters cell, which had three beds with light blankets and no more than two other people at a given time (i.e. approximately two square meters per person).

According to M. Lemianouski, S. Malchik and V. Saranchukov, in Temporary confinement facil-ities of Leninsky and Oktyabrsky districts (before the reconstruction of the latter in 2006-2007) cells measuring 1.5 x 3 meters were used to confine three people each. The cells had no beds, and the limited space allowed sleeping only on one's side. Reconstruction of the Oktiabriski district Temporary confinement facility allowed for 10-12 square meters cells for 4 people, and 6 square meters cells for 3 people. M. Lemianouski also served a term in Temporary confinement facility in Schuchin city of Grodno region, were 6 square meters cells contained 8-9 people at a time.

Air temperature in cells

All interlocutors of the Mission reported that in all detention facilities for administrative detainees the temperatures were very low during cold seasons (from October till April or May) and extremely high in the summer[56].

B. Garetski told the Mission that in the winter it was so cold that they had to sleep wearing coats and hats. In the summer it was extremely hot and stuffy due to lack of ventilation in the cells. In the summer contents of food parcels went bad very quickly, while in the winter, kept near the window, they lasted a long time, just like in the fridge[57]. Temporary detention facilities in Grodno in Brest were extremely humid, and, according to S. Skrebets, even the clothes were getting damp. M. Lemianouski told the Mission that in the summer it was so hot that inmates had to be "half naked".

A member of NGO "Malady Front" (Young Front) Aliaksei Shidlouski was arrested in March of 2007, on the eve of Freedom Day celebrations, and placed in the Special detention facility on Okrestina street. When he was in the cell, the window fell down. "*At five o'clock in the morning, when we were sleeping on the "platform", the window frame fell down and pieces of glass scattered on our heads (…). The window was never repaired and almost three days the temperature in the cell was close to a zero"*[58]. When A. Shidlouski was released he suffered from a severe flu.

Yuri Istomin, Chairman of Grodno regional organization

“United Civic Party”, Dmitri Slutski and Victor Sazonov were arrested on October 14, 2007, on the eve of the “European March” and were charged with disorderly conduct and use of swearwords. Yuri Istomin was sentenced to seven days of detention and his colleagues – to five days. In Grodno Temporary detention facility they went on hunger strike. *“When you are on hunger strike your body temperature drops, that’s why it was so difficult to endure the coldness of the cell”*[59].

Access to light

All interlocutors of the Mission reported that lack of light in the cells was hard to endure. According to B.Garetski, in the Special detention facility, on Okrestina street, windows measure 0.5 x 1.5 meters and are located very high on the wall. Even if they are not covered by the so-called “eye lashes”, day light virtually does not penetrate into the cell. According to S. Skrebets, windows of Brest detention facility measure approximately 20x30 cm and metal sheets block all the light.

Every cell of every Temporary detention facility (in Minsk and in the regions) is constantly lit by one dim light bulb, which does not allow one to read during day time and disturbs proper sleep at night.

According to A.Yanukevich, windows in the cells, where he was serving his terms, were made of organic glass and painted over, so the day light was blocked: *“… the light bulb was lit 24 hours a day. Its light was very dull, we read anyway, but our eyes hurt”*.

Daria Kostenko published a diary[60] of her incarceration in the Special detention facility on Okrestina street, in March of 2006, where she described a window in her cell: *“It was covered not by the bars but by something which reminded me of a straightened colander. It looked like they took a metal sheet and punctured little round holes all over it. A thin pencil could barely go through these holes. It was impossible to see anything, even the glass of the window, through this metal sheet”*.

Air quality

Virtually all people, who were imprisoned in the Special detention center on Okrestina street, complained about the quality of the air and the lack of ventilation. According to O. Hulak, a lawyer of the Belarusian Helsinki Committee, as well as many reports, smoking is widespread in administrative detention facilities, which makes it very difficult for inmates, especially non-smokers, given the lack of any ventilation.

Over-crowding, smoking and lack of ventilation in the cells, as well as lack of walks (see below), deprives administrative detainees of fresh air during the entire period of detention. A window on the door of the cell, the so-called “feeder”, is often its only ventilation hole, and can be opened or closed purely at the discretion of prison guards.

Toilets

In a cell for administrative detainees instead of a toilet there is either a hole in the floor or a bucket, emptied once in 24 hours[61]. Even if the toilet is separated by a wall, a person behind it is visible[62]. Detention facilities for women are more likely to have fully separated proper toilets in the cells[63].

In the old building of the Temporary detention facility in Grodno, Oktiabrski district, cells had no toilets, and detainees were escorted out of their cells and to the toilets only twice a day. The cells of the new building are equipped with sinks and toilets with walls concealing the person in there, but only up to his waist. In the cells of the Grodno Leninski district facility toilets did not flush, which made the smell unbearable[64]. In the Brest temporary detention facility toilets also did not flush, which made conditions unbearable, expecially since it was located right next to the table where detainees ate[65].

According to A.Yanukevich, in the Minsk Special detention facility *“the cell had a sink with a tap, and the toilet was separated by a small wall, but a person was still visible there”.*

This is how Daria Kostenko described sanitary conditions of the Special detention facility on Okrestina street: *“There is a hole in the floor, in the corner by the door, separated from the rest of the cell by a wall concealing a person up to his waist. Above the hole on the wall there is a water faucet with two taps, one above the other. The water coming out of the tap is freezing cold and tastes like rusty iron. (…) The opening in the door called “the feeder” opens right across this wonderful place at the waist level. This means that every time you go to the toilet someone has to stand between you and the door as all prison guards are men”*[66].

Nutrition

In Special detention facilities food is given twice a day. In prisons the quality of food is extremely low, which often leads to intestinal disorders[67]. There were cases when detainees of the detention facility on Okrestina street received food poisoning and had to be hospitalized, while some other inmates complained that their gastro-intestinal disorders became more acute in prison[68].

According to A.Yanukevich, for breakfast they were usually given porridge and tea, and "the porridge was edible". After 4 p.m. they were given soup, porridge with a meat patty and tea. *"The soup was disgusting, it stank so bad, that it was impossible to eat it. Usually we did not eat meat patties because we had food parcels, but sometimes even the patties had to be eaten".* According to N.Starastina, "lunch" consisted of porridge, sour cabbage, bread and tea. B.Garetski said that during the day they were given porridge and a meat patty, which in fact had very little meat in it, and tea. A.Yanukevich and his inmates were given tea in aluminum cups without handles, and when the tea was hot they could not take the cups without burning their hands. *"We were also given a quarter of a rye bread loaf per day per person, which was too much, and we made chess figures out of the bread"*.

Before food parcels were prohibited (the prohibition came into force together with the new Code of Administrative Offences on March 1, 2007), administrative detainees were able to receive sufficient food supplies from their relatives and not depend on the meals given in jail[69]. However, there were reported cases when prison administration refused to take food parcels. Thus, on July 5, 2007, the administration of the Special detention facility on Okrestina street refused to take a food parcel for Ales Kalita, the Chairman of the Youth Council of the Belarusian Popular Front, under illegal pretext that they could only receive parcels from relatives of detainees[70]. This left Kalita no other choice but to eat low quality prison food.

Access to showers

According to B.Garetski, detainees are taken to shower only once a week. In the shower room there are only three shower faucets for everybody, and all detainees of one cell are given an hour to shower (A.Yanukevich). Some detainees (N.Starastina, N.Lemianouski) reported that they did not have a single opportunity to shower at all during the entire 15 days of arrest.

The right to take walks

All administrative detainees interviewed by the Mission said that during the entire period of their detention they were not allowed to take a walk. They were constantly kept in their cells, where they could not exercise due to overcrowding. A.Yanukevich said: *"We had only one meter of free space by the door. After I was released I was constantly tired, I was disaccustomed to moving".*

Civic activists who were arrested before the "European March" in October 2007, were also denied the right to an hour's walk[71].

Torture, inhuman and degrading treatment

A.Yanukevich: *"During our arrest they were beating us; they were a special police division. But on our bus they were only beating people while "packing them up", and once everybody was seated and their phones were taken away, the police did not touch anyone anymore. But people from other buses, who were later placed in the same cell as me, said that they were subjected to beatings the entire time they were on the bus. I know one case, when two brothers were arrested, and one of them was beaten up so badly during the arrest, that they [the police] didn't even risk taking him to the police station and just threw him on the ground by his house instead"*.

These practices were also described and condemned in the US Government reports[72].

One of the former administrative detainees recounted: *"In the center on Okrestina street everything consists of minor humiliations. Prison guards tell a homeless person with one hand in bandages and the other all covered with ulcers to pour the soup for everyone. They threaten to send you to the "dehumidifier" – a place where they put only homeless people and where they make you strip. When they check you in there they may floutingly ask you if you want to be placed in a cell with homeless people or in one with criminals who will rape you"*.

At the time when this report was being prepared for publication, members of the Mission received reports about Siarhei Parsukevich, an activist of the entrepreneurs' movement and of the movement "Za Svobodu" (For Freedom), who was severely beaten by officers of the OIC on Okrestina street[73]. *"During a regular check-up an officer entered the cell and ordered everyone*

to stand up. Apparently, it seemed to him that I didn't stand up fast enough and he hit me on my legs. In my indignation I told him that he had no right to do that. Then he told me to follow him to the interrogation room, and I went there without any resistance. When we were there one on one, the officer started heating me on my face. I tried to defend myself and to hold him back. This made him extremely angry. He called another officer, they put handcuffs on me, and the first officer started beating and kicking me, as hard as he could, on my head, on my ribs and on my kidneys. When they started strangling me, I realized that I may not come out of there alive. I tried to get away and shouted something like "They are killing me! Help!". Only then did the beatings stop"[74]. During the beatings Parsukevich started to have an asthma attack. Right after his sentence was announced, Parsukevich went on a hunger strike and his body was weakened. In order to hide the signs of the beatings from other inmates, prison guards first put him in a solitary confinement cell and then to a cell for vagrants. For a week Siarhei Parsukevich was unable to undergo medical examination or to file a complaint against the actions of police officers.

Upon his release Parsiukevich, first of all, went to the Prosecutor's Office, where he was told that a complaint was filed against him which stated that he attacked a police officer. In the beginning of 2008 the Prosecutor's office of Moskovsky district of Minsk initiated a criminal case against Parsukevich in accordance with article 364 of the Criminal Code (violence against a police officer). On March 4, 2008, Siarhei Parsukevich was imprisoned again and has remained in detention since.

51. Human Rights Violations in Belarus in 2006, Analytical Review, Minsk, 2007, p.116.
52. Formerly known as "Special isolation cells".
53. http://www.charter97.org/rus/news/2003/06/20/turma
54. Formally this document was adopted on the basis of the CCP, not the CAO.
55. A prison on Okrestina street in Minsk – a place where political prisoners are tortured, November 16, 2007, http://news.akavita.by/en/belarus/286027.html
56. Interview with N. Starastina, B.Garetski, M.Lemianouski, S. Malchick, V. Saranchukov, S. Skre-bets.
57. Interview with B.Garetski.
58. *Aliaksei Shidlovski: not everyone could come out of the cameras*, March 29, 2007., http://www.spring96.org/be/news/6445/
59. *Yuri Istomin: "Most of the people in the detention facility were representatives of the opposition arrested for the "European March"*, October 18, 2007, http://www.charter97.org/ru/news/2007/10/18/801/
60. *Dasha Kostenko, "The March Diaries, Partisan Republic, Protest Actions in Minsk on March 19 – 25*, 2006, Moscow, Panorama, 2006, p. 111.
61. Interview with S.Skrebets.
62. Interview with B.Garetski.
63. For example, N.Starastina, was kept is such a cell.
64. Interview with M.Lemianouski, S.Malchick, V.Saranchuckov.
65. Interview with S.Skrebets.
66. Idem.
67. Interview with B.Garetski.
68. Also see http://news.akavita.by/en/belarus/286027.html.
69. For example, interview with M.Lemianouski, S.Malchick, V.Saranchuckov.
70. Okrestina detention facility employees refused to take a parcel for Alexei Kalita, July 5, 2007, http://www.spring96.org/be/news/17428/
71. Ibid.
72. See for example the 2006 US State Department Report on the situation in Belarus: "Reliable sources reported that during demonstrations which took place after presidential elections of March 19, squads of OMON and other special forces, including antiterrorist division "Almaz", were beating arrested demonstrators and threatening others with death or violence" http://www.state.gov/g/drl/rls/hrrpt/2006/78802.htm
73. He was arrested on January 13, 2008, for participating in an "unsanctioned" demonstration of entrepreneurs, which took place on January 10, and sentenced to 15 days of detention.
74. Former police major was beaten by his ex-colleagues, http://www.charter97.org/ru/news/2008/1/30/3462/

III. CONDITIONS OF PRE-TRIAL DETENTION

According to reports received by the Human Rights Center “Viasna” and FIDH, preliminary detention conditions in Belarus are the same as prison conditions. Most frequently respondents complained of overcrowded cells, widespread anti-sanitation, low quality of food and unsatisfactory medical care.

Possibly, such conditions in pre-trial facilities are the result of the lack of funding and lack of any control over penitentiary establishments.

Internal regulations of the pre-trial detention facility of the Ministry of Interior, which determine the facility’s status and define rights and obligations of detainees and personnel, have been approved by the Order of the Ministry of Interior of January 13, 2004, #3[75]. However, the Mission received numerous reports stating that it is very difficult for detainees to obtain access to the contents of the Internal regulations.

The Mission’s representatives were able to have a detailed interview about conditions in pre-trial facilities with Timofey Dranchuk and Enira Bronitskaya, who were jailed in a Minsk pre-trial center on Volodarskogo street from August 11 till September 30, 2006, and from June till the end of August of 2006 respectively. Sergei Skrebets was confined in Brest pre-trial center between May and August of 2005. The Mission also received reports of unhealthy detention conditions from a number of defense attorneys and members of non-governmental organizations.

A. Pre-trial detention facility of the KGB

The KGB pre-trial detention facility is situated in the yard of the KGB building in the center of Minsk. It confines those whose cases are investigated by the KGB in accordance with Article 182 of the Code of Criminal Procedures. These are the cases that involve state interests or involve murders, drug or weapon deals, or large scale embezzlements. The KGB pre-trial center is called “Amerikanka” (Americana)[76].

Unlike the pre-trial facility of the Ministry of Interior located close by on Volodarskogo street, “Amerikanka” provides a higher level of isolation and control over detainees.

All former detainees interviewed by representatives of the Mission agreed that conditions in KGB pre-trial facilities are much better than those of the Minsk detention center on Volodarskogo street. The cells have TV sets. Detention conditions are relatively good, primarily because the facility is fairly small and not over-crowded.

The KGB pre-trial detention facility is located in a circular two-story building. There are several interrogation rooms in the basement; a shower room, a kitchen and utility rooms on the ground floor and 18 radially located cells, including a punishment cell, on the first floor.

The Mission participants interviewed Timofey Dranchuk and Enira Bronitskaya, who were arrested in February of 2006 together with their two colleagues from civic initiative for election monitoring “Partniorstvo” (Partnership), not long before the presidential elections. They were charged under Article 193 of the Criminal Code “organization or management of public associations or religious groups infringing upon personhood and citizens’ rights and obligations”. E.Bronitskaya was sentenced to 6 months imprisonment and was released in August 2006. T.Dranchuk was sentenced to one year of imprisonment in a regular-security penal colony and released in December 2006. E.Bronitskaya was kept in the KGB detention facility from February 21 till June 2006, and afterwards moved to the pre-trial detention facility on Volodarskogo street. T.Dranchuk was kept in the KGB pre-trial detention facility from February 21 till August 11 2006, then he was moved to the pre-trial detention facility on Volodarskogo street, and finally transferred to the correction colony #1.

Size of cells, number of inmates

The cells widen towards the door or towards the window. The width of the cell on one end is limited by the size of the door or by the size of the window (1,2 m) and on the opposite end it becomes broader than two meters (or the other way around). The cell is 5 meters long and 3.5 meters high. The cell has three bunk-beds, including a double-decked one, and a table sizing approximately 50x50. Dranchuk was kept in a cell measuring approximately 5 x 2 meters with three other people.

The building of the KGB pre-trial detention facility has two or three cells for women.

In the KGB jail the problem is not over-crowding, butsolitary confinement of detainees (especially women).

This can be used as a way of pressuring detainees. One of E.Bronitskaya's cellmates charged with an economic crime was alone in her cell for 9 months.

Toilets

According to T.Dranchuk, only 6 cells of the KGB pre-trial facility have toilet bowls. Detainees of other cells are escorted to the toilet twice a day – at 6 a.m. and at 6 p.m.; the rest of the time they have to use a plastic bucket placed in their cell. T.Dranchuk was placed in a cell which had a toilet only for the last two weeks of his detention.

E.Bronitskaya had a toilet bowl and a sink in her cell. The toilet was not separated in any way and inmates had to hang a towel in such a way as to conceal it at least from a peep-hole. The toilet was very close to the table where detainees ate.

Previously the detention facility building had no wash-basins, also, there were no toilet bowls in the cells, but during reconstructions of 2003 they were placed in 6 cells. E.Bronitskaya and T.Dranchuk said that now in the KGB detention facility women are placed in cells with toilets.

Access to light

The cell windows measure approximately 40x60 cm. There are bars on the windows, but day light still goes through them. The windows are blurred, nevertheless, *"they cannot be in any way compared with [windows] of jail on Volodarskogo street"* (E.Bronitskaya). There is a lamp bulb on the ceiling and another one behind the bars above the door. However, the light from the lamp bulbs is not bright enough for reading without straining one's eyes. The light is on 24 hours a day.

Access to fresh air

The cells have no proper ventilation and in the summer the lack of fresh air is particularly hard to endure. According to T.Dranchuk, in the summer detainees successfully insisted on having an air fan in the cell, but even when it was put in, when temperatures exceeded 30 degrees Celsius, it was too hot in the cell: *"when one was writing, drops of sweat would fall on the paper"*.

Access to shower

Detainees are taken to shower once a week. Four shower faucets are available in the shower room, and since there are no more than four people in the cell, it is sufficient. Women are taken to shower by a female prison guard, while all shift supervisors are men. Beddings are changed once a week.

As far as personal hygiene is concerned, detainees only have what is passed on to them by their friends and relatives. In pre-trial detention facility on Volodarskogo street personal hygiene items can be purchased, but are not provided free of charge.

The right to take a walk

Detainees of the KGB pre-trial facility are taken for a walk everyday, and sometimes the walk may last up to two hours. According to E.Bronitskaya, the prison administration makes concessions on this issue, especially for women. During a morning check-up detainees are asked when they would like to take a walk. Altogether, there are five walking yards on the territory of the facility, one of which measures 5 square meters. *"They would play music for us; and there was an aerobic group. If you didn't want to take a walk, you didn't have to, while in pre-trial facility on Volodarskogo street the walk was either for everyone or for no one"*.

Nutrition

In the KGB detention facility the meals are served three times a day. Breakfast is at 8 a.m., lunch is at 1 p.m., and dinner is at 6-7 p.m. The quality of food is not bad. According to T. Dranchuk, this is because the jail's cooks prepare food for no more than 50 people. Portions are not large, but everything is "edible". According to E.Bronitskaya, *"They gave us all types of porridge, even buckwheat, but no rice. There were also beet-root and cabbage salads, and borsch and pea-soup. For breakfast sometimes they gave us potatoes with herrings. Almost nobody drank the tea they gave us. We were not allowed to have an electric water boiler in the cell, but the guards had one and gave it to us three times a day. In the cell we had a bell and could ring it to call guards, in particular to ask for the water heater if we needed it again". "Detainees of the "Americana" are usually fairly wealthy people who receive parcels from friends and relatives".* Detainees can receive parcels 3 times a week weighing no more than 15 kilograms per month.

The money confiscated from a detainee during his arrest

can be put on his jail account. His rela-tives can also put money on his jail account. A detainee can use his jail account to make purchases. If necessary, a detainee can make a request and the KGB jail personnel would shop for him and buy food items or other goods[77].

Access to defense attorney

During a meeting in the KGB pre-trial facility a detainee and his defense attorney are separated by two glass windows with holes in them and standing at some distance from one another. It is impossible to pass anything through them. Periodically defense attorneys cannot get into a meeting room because it is occupied. However, if the meeting with the client is granted, time is unlimited. *"Meetings with defense attorneys seem to be confidential, but in fact wiretaps are everywhere. Somebody also said that the cells are video-monitored"*. (E.Bronitskaya).

Medical care

Once a week detainees of the KGB detention facility are examined by a doctor, but the level of medical care is low. According to E.Bronitskaya, the inmates did not give any other samples but blood, and even that was taken a month after their placement in the facility. *"[In the facility] on Volodarskogo street medical control is more thorough, for example, there was a gynecological examination"*.

Medicines passed on by detainee's relatives are kept by prison guards in a cabinet and offered twice a day.

The right to visits

Permission to have a visit is issued by an investigator at the stage of preliminary investigation. During his first four months of imprisonment T.Dranchuk saw his wife only once and even that was due to his father who managed to get permission from the Deputy Prosecutor General. Before that investigator who was dealing with Dranchuk's case refused to grant permission for a visit. During this time Dranchuk's child was born, whom he saw for the first time at the trial. However, during the trial, which lasted about a month and a half, he was allowed to have 10 visits.

In the visit room a detainee is separated from his visitor by the glass window with a hole in it. *"It is very loud there, everybody shouts so he can be heard over the voices of others, and it is very difficult to concentrate"*.

In the KGB pre-trial detention facility a list with interior regulations hangs on the wall of every cell. It is prohibited for guards to talk with detainees; they don't even answer them when asked what time it is. Detainees are not allowed to have a watch. However, as T.Dranchuk pointed, *"there are some understanding guards; one of them, for example, told me that he heard my wife's interview on the radio"*.

T.Dranchuk had an argument with one of the shift supervisors, when he received an empty envelope instead of a letter from his father. The shift manager explained that the letter was in Belarusian and illegible, and that's why it was not given to him. The jail warden told the shift supervisor that *"if he doesn't know Belarusian he needs to learn it"*. However, T.Dranchuk never received that letter. He said: *"I numbered my every message, but letters disappeared periodically"*.

B. Pre-trial detention facility of the Ministry of Interior

Practically all those accused of crimes are kept in pre-trial detention facilities of the Ministry of Interior (with the exception of those who are kept in the KGB jail), and the Ministry's investigators deal with most of the criminal cases. Investigation of criminal cases and detention of the accused is controlled by the same executive bodies (the Ministry of Interior or the KGB), which undermines the right of the accused to effective defense and facilitates obtaining confessions by applying torture or other forms of cruel and degrading treatment.

Oleg Volcheck who frequently visited detention facilities when he worked as a prosecutor and a deputy of the Minsk City Council told the Mission's representatives about his impressions when visiting the jail on Volodarskogo street in Minsk:

"I was shocked. Overcrowded cells, small windows, an hour of walking per day. The building of the detention facility is old, and 1800 people were kept in it, which exceeded the norm by 4.5 times. Some detainees had to sleep under the beds as there was not enough space for everybody. I was astonished by the windows: in the cell with 50 people (actually designed for 25), there was only one window measuring 50 by 50 cm, which was totally covered by so called "eyelashes"[78]. It was damp and moist in the cells, there was no fresh air, and sometimes the door had to be opened at night. The jail is miserable for non-

smokers. All the walls were greasy, covered in dirt and moist. The toilet was in the general view and only separated by a small screen. It reminded me of stories about jails during Tsarist times. The top floors of the building had a better "climate", but those in the basement cells had their limbs rotting away, and their skin covered in boils".

According to O.Volcheck, in some many-stage cases detainees were kept in such conditions for 2 – 2.5 years.

"In 1996, when I was a deputy, we wanted to have some money allocated for repairing the jail. We brought the budget to the City Council, where we were told: "Do you want to give half of the Minsk city budget to bandits?" No funds are given for repairing the facility. The wall in the women's section will soon collapse".

It is obvious that the lack of public supervision over the budget spending by penitentiary facilities facilitates corruption and misappropriation of funds.

Transit cells

Upon arriving to a pre-trial detention facility and before being sent to a regular cell, detainees are placed in transit cells, so-called "otstoinik" (settler) or "transitka". In the Minsk detention facility T.Dranchuk was placed in a cell which was slightly broader than the one in the KGB jail (about 10 square meters) and designed for 4 people. It was located in the basement along the same corridor as cells for capital convicts.

E.Bronitskaya, who was also kept in a transit cell in the Minsk detention facility, described it as follows: *"totally black with a hole in the ground. When I arrived there were already 5-6 people there, but sometimes it contains as many as 20. There was a case when an elderly woman with hearing problems was "lost" and forgotten in the transit cell for 3 weeks before she was sent to a mental hospital. They simply forgot about her. I was afraid that they would intentionally "lose" me as well"*.

According to E.Bronitskaya, the size of the transit cell was approximately 5 square meters; it had two double-decked beds with pillows and mattresses so dirty that they were absolutely black. There was a small window measuring approximately 40 by 20 cm.

Detainees received their food on one common plate and were given one spoon which did not always have a handle. Given the sanitary conditions of the newly arrived, including homeless and sick people, the lack of individual dishes forced many detainees to starve.

Detainees of transit cells shower and the clothes of those who have lice are treated with heat[79].

Dmitri Dashkevich, the leader of "Malady Front" (Young Front), who was charged in accordance with Article 193.1 of the Criminal Code with acting on behalf of an unregistered organization, was placed in a transit cell of the Ministry of Interior's facility on Volodarskogo street in September of 2006 and described the conditions as follows: *"It was unfortunate that I got there on the weekend, because this meant that I would spend three days in a transit cell. There were 25 people in the cell measuring 12 square meters. Three nights we slept in a sitting position. Cigarette smoke was such that you could not see the wall across from you, and I was the only non-smoker"*[80].

A former deputy of the Parliament, S.Skrebets, was kept in a transit cell of Baranovichi city detention facility. The cell was 15 by 4 meters and contained up to 100 people. There was no bedding on the bunk-beds and due to the lack of space detainees could only sleep taking turns. There was only one wash basin for all inmates. Almost all the people in the cell smoked. The dishes were never washed. S.Skrebets was kept in the facility in the summer and said that inside the cell it was hotter than outside, but detainees were not allowed to take walks. S.Skrebets recounted that the same cell contained habitual criminals and those who were charged for the first time; and that the former robbed the latter.

Size of cells

In the Minsk detention facility on Volodarskogo street, T.Dranchuk was transferred from a transit cell to a regular cell measuring 20 by 6 meters with 30 bunk beds, which was less than the number of inmates. The cell was located in the basement.

According to reports received by the Mission, the women's section of the detention facility was not over-crowded. E.Bronitskaya was placed in a cell designed for 8 people. The cell had a wooden floor, was very dirty and measured approximately 6 by 8 square meters. The facility also has cells designed for 16 and for 6 people. There are one or

two cells for four people and some cells for detainees with children under the age of three.

According to S.Skrebets, in the Brest city detention facility cells measuring 2 by 3 meters usually contain 6 – 10 people (i.e. less than a square meter per person). There are only six beds in the cell and often detainees have to sleep taking turns.

Access to light

Many detainees, especially those whose cells are in the basement or on the ground floor, have practically no access to day light. The lack of light is also caused by the small size of the windows. In the Minsk detention facility E.Bronitskaya was kept in a cell measuring 6 by 8 meters with a window of 1.2 by 0.8 cm. The lamp above the entrance was on 24 hours a day. Windows in the cell could not be shut. *"Since it was summer, we didn't need to close the windows. But detainees said that during the winter it is absolutely freezing in the cell. In some cells there was no glass in the window frames".* (E.Bronitskaya). T.Dranchuk described one of the cells where he was kept, which was located in the basement: *"It was psychologically very difficult to be there; there was no day light, it was hard to breathe"*. Later he was transferred to a cell on the 4-th floor, which had day light and where it was possible to read.

Toilets

According to reports, the Minsk pre-trial detention facility has toilets in every cell. In some cells there is a toilet bowl separated by a built-in wall, in others there is just a hole in the ground, separated by a curtain, which detainees hang up themselves.

In Brest, the pre-trial detention facility have so-called "parashas" (gut-buckets) instead of the toilets which are placed very close to the place where detainees eat[81].

Nutrition

This is how E.Bronitskaya described food in the Minsk pre-trial detention facility: "*The quality of food was very bad. I couldn't eat anything. Sometimes they would give us the same thing three times a day and several days in a row. Barley porridge was like soup. Vegetable soup was made with unripe tomatoes and spoilt cucumbers. Fish conserve. No fresh vegetables. Some strange bread, which felt like plaster, was given in unlimited quantities. This bread caused bloating. Women who were receiving no parcels were skinny but with huge tummies. I have a stomach ulcer which periodically becomes particularly aggravated; I couldn't eat anything and constantly had heartburn".*

T.Dranchuk admitted that he tried prison food only few times: *"I tried borsch because it looked like soup. Usually prison soup is some kind of a brew which looks like a cross between soup and a mash and smells unbearably. For example, when there is steamed cabbage on the menu, there is such a stench in the building, that everybody knows what they will serve for lunch. The stuff they serve [in the detention facility] on Volodarskogo street has nothing in common with food"*.

In the pre-trial detention facility on Volodarskogo street there are detainees who do not get parcels and have to eat only prison food. Only cigarettes and tea have to be put in the "collective fund", the rest detainees can use at their own discretion. Detainees are allowed to keep electric water boilers, but the quality of water in the detention facility is extremely bad[82].

According to reports, in the Brest city detention facility a detainee's ration consists of boiled rotten beets or cabbage with porridge made with water. Describing the quality of food in the pre-trial detention facility, S.Skrebets also said that the food *"was impossible to eat"*.

Parcels can be sent every day. Twice a month detainees can purchase goods in the detention facility's kiosk.

According to O.Volcheck, *"Upon release from detention facilities detainees suffer from stomach disorders and their teeth crumble. It is easier in the KGB jail, but this facility is for higher ranking governmental officials or for those "with authority" [mafia bosses]. Kozulin[83] repeatedly said that the food in the detention facility was horrible and the water was bad".*

Access to fresh air

Representatives of the Mission received numerous reports of the lack of ventilation and fresh air in the cells.

E.Bronitskaya: "Our cell was on the ground floor, and the level of humidity there was normal. The cells in the basement were so humid that they called them "fish tanks". The window in a basement cell was placed just above the ground. We had to open "the feeder", but sometimes, when

they wanted to punish us, they would shut “the feeder” and not take us out for a walk. In basement level cells tuberculosis spreads particularly fast”.

S.Skrebets also indicated the lack of ventilation in the Minsk and Brest detention facilities and said that virtually all inmates smoked, which made it particularly difficult for non-smokers. A.Klimov was kept in the Minsk city pre-trial detention facility together with people who constantly smoked. He suffered a heart attack and had to be taken to a hospital. Klimov attributed his heart attack to constant passive smoking[84].

The right to take walks

Detainees of the Minsk pre-trial detention facility are taken out for about a 40-minute walk daily. They walk in small yards measuring 4-5 square meters with a bench in the middle. “There are 2-3 levels of bars above the yards, so you don’t get the feeling that you are outside”. (E.Bronitskaya).

T.Dranchuk: “In the pretrial detention facility on Volodarskogo street they did not observe regulations with regards to walking. For example, eight people would be taken out for a walk to the yard measuring 2.5 square meters, where they could make no more than two steps”.

According to S.Skrebets, in the Brest pre-trial detention facility detainees were allowed to walk about 30 minutes (instead of 2 hours as provided in Article 13, part 5, of the Law on procedure and conditions of detention). Up to 20 people are taken out simultaneously into a yard measuring 2 by 3 meters.

Access to shower

Detainees of the detention facilities have the opportunity to shower once a week. Eight people are given an hour to shower in the shower room with three shower faucets. “When we were there the hot water was switched off, and everybody would boil water with electric boilers and wash themselves in their cells in little buckets by the toilet. There was a period of time when they didn’t take us to shower for two weeks, but when the heat came we were allowed to have additional cold showers”. (E.Bronitskaya).

In the Brest city pre-trial detention facility detainees are not taken to shower for two or three weeks (S.Skrebets). Taps in the cells have only cold water, never hot”.

Medical care

In the Minsk city pre-trial detention facility there are special cells for people with AIDS or TB. Medical treatment in pre-trial detention facilities is insufficient and is limited to providing basic medicines. On the territory of the correction facility #1 there is a prison hospital (on Kalvariiskaia street). According to reports there were cases when people died on the way to the prison hospital. The Mission had no ways of verifying such reports.

However, according to some reports received by the Mission, sometimes healthy detainees are placed in the same cells with those who suffer infectious diseases. Thus, the Mission’s interlocutor N.Starastina was placed in the cell with a detainee who suffered from TB. Upon her release N.Starastina had to be treated to eliminate possible TB infection.

There is no oversight of the budget for medical treatment.

O.Volcheck: *“I don’t know if there were any cases of health damage suffered during pre-trial detention. Upon release all detainees have to sign a paper saying that they have no claims to the prison administration”.*

Punishment cell

Detainees can be placed in a punishment cell for violating interior regulations or discipline. A punishment cell is a solitary confinement cell with a concrete floor and a standard wooden bed attached to the wall. There is no other furniture in the cell; it is not possible to sit there as during the day the bed is lifted in such a way that it is parallel the wall. The food rationing for those placed in the punishment cell is decreased.

The right to visits

In accordance with Article 25, part 2, of the Law on procedure and conditions of detention, a short term visit is to last at least three hours. However, in the pre-trial detention facility on Volodarskogo street, due to over-crowding detainees are allowed to have only 20 – 30 minutes visits. In the visiting room of this facility detainees are separated from their visitors by a glass window and all conversations are made through a phone receiver.

The use of torture and inhuman and degrading treatment

According to T.Dranchuk, the pre-trial detention facility on Volodarskogo street does not really need official interior regulations as its detainees observe their own "code of conduct". Each cell has its own "supervisor", and a detainee can be subjected to all sorts of treatment by his fellow inmates, which would not bother prison guards.

O.Volcheck claims: *"The system denies the existence of torture. I have only heard it from others. Beatings. They conduct searches: the guards run into a cell, put everybody against the wall and hit them on the legs with batons, canes or other objects. One of the forms of punishment: they put a person with his face against the wall and force him to keep his arms and legs apart for 4 hours. If a person complains about the beatings the guards always say that the detainee "just fell" or was beaten by his inmates"*.

75. National Register for Legal Acts of the RB, 2004, # 22, 8/10502.
76. Some say it is because it was built by an American design, others claim that it is because the de-sign resembles a gambling table, where "Americana" is one of the games.
77. According to E.Bronitskaya "Y*ou could not have the Criminal Code passed to you, but you could order it. However, later we were told that the stores did not have it".*
78. A metallic or wooden shutter, often used in prisons, hiding the light and cutting the detainees off from the outside world.
79. Interview with E.Bronitskaya.
80. Human Right Violations in Belarus in 2006. Analytical review. Minsk, 2007. P. 136.
81. Interview with S.Skrebets.
82. Apparently, the quality of water in the Ministry of Interior detention facilities was not examined.
83. Alexander Kozulin, a former Rector of the Belarusian State University and a candidate for presi-dential elections of March 2006, was kept in the Minsk pre-trial detention facility an subsequently sentenced to five and a half years of imprisonment.
84. Interview with T.Klimova, wife and legal representative of A.Klimov.

IV. CONDITIONS OF TRANSPORTATION OF DEFENDANTS AND CONVICTS AND COURT HOLDING CELLS

A. Transportation from a detention facility to court and conditions for detainees in court buildings

Detainees are taken to court buildings together, in specially equipped vehicles which have several mini-cells separated from each other by the bars. In transit male detainees are hand-cuffed. Sometimes, depending on the route and the number of detainees in the vehicle, they may have no food or drink for a long time regardless of the climate conditions.

Detainees are taken to court buildings before breakfast. In the court they are not given any food or water, thus many of them end up with no food or water for the whole day. For example, A.Yanukevich, who was arrested on March 21, 2006, at 3 a.m. (several hours later he was in the prison vehicle, and no food was given to him prior to that), was not tried until 9 p.m., and ended up going without food for more than 24 hours.

E.Bronitskaya recounted: *"At 6 a.m, they put me in a transit cell where I had to wait for the prison vehicle. They didn't give me any breakfast. The vehicles came at 8 or 9 a.m. Inside the truck there were 5 cells and one slightly larger section. A truck cell could hold three people, two could sit down and one had to stand. The larger cell contained five standing people. Cells in court buildings have no windows but you could sit there. Women are not searched. Some court building cells have stone benches which fit maximum two people. The cells are hot and stuffy. In courts detainees get no food or water. We were allowed to take water with us and we shared it between ourselves"*.

T.Dranchuk recounted: *"Most of the time I was put in a vehicle cell alone, even though normally they put 2 or 3 people there. Actually, the cell of a prison vehicle is designed for one person. The court building was old, and the cells there were small - one by one meter, and stuffy. They gave me no food or water".*

During mass arrests the situation deteriorates because many people are tried at the same time. Detainees are transferred in over-crowded vehicles, where they cannot sit down. They have to sit and wait in trucks which are not heated in the winter and not ventilated in the summer.

A.Yanukevich recounted: *"There were three cells and two slightly larger sections in the prison truck. There were 7 people in the larger sections, and in total there were approximately 15 people in the truck. We were taken to court buildings in turn, and I had to sit in an unheated truck for 4 hours. It was very cold, I was freezing".*

B. Transportation between detention facilities

Transportation of detainees from one place to another takes a fairly long time, even when the distances are relatively short (rarely more than 300 km). Thus, S.Skrebets was transported from Brest to Minsk (approximately 350 km) for a week. Just the trip from the Brest pre-trial detention facility to the city railway station took the whole day. Before being sent from Minsk to Vitebsk by train S.Skrebets had to spend 2 hours crouching down. A.Klimov was transported from Minsk to the Mozyr correction colony (approximately 320 km) for three days. This is how Valerii Levonevski explained why it takes so long to transport detainees:

> *"Detainees are taken to the colony in a group which fills the whole truck. Before there are enough people to fill up the truck, detainees have to wait in so-called "forwarding jails" which are usually located on railway junctions".*

By railway detainees are transported in "stolypin" carriages. This is how V.Levonevski described such carriages:

> *"It is the same size as a regular carriage. It is divided into cells by the shields, one side of which is covered by the bars from the floor to the ceiling. The door of the cell is very narrow, I could not go in wearing a thick coat. All cells are placed along one wall of the carriage, along the other side runs a corridor were guards keep their watch. There are three bunk-beds, one above the other, on one wall of every cell. On the second level there is another shelf that can be flipped open (so-called "helicopter") in such a way that you get a kind of a low ceiling".*

A cell of such carriage is meant for four people, but in fact they put up to 30 detainees in there, smokers and non-smokers, habitual criminals and first-time offenders, together. They are given one peace of bread for the whole trip and one cup of water once or twice a day. During transportation detainees are allowed to go to the toilet once or twice a day. *"That's why detainees with kidney disorders had to urinate right there and there was a horrible stench of ammonia in the carriage"*, - recounted V.Levonevcski.

V. PRISON CONDITIONS FOR CRIMINAL CONVICTS

A. System of criminal punishment in the Republic of Belarus

Article 48, para. 1, of the Criminal Code of the Republic of Belarus lists 11 types of criminal punishments applied in the Republic of Belarus:
1) community service;
2) fine;
3) deprivation of the right to occupy certain positions or conduct certain activities;
4) corrective labor;
5) restrictions in military service (meaning deductions from allowance and suspension of promotion);
6) detention;
7) restriction of liberty;
8) confinement in a disciplinary military division (for servicemen only);
9) imprisonment;
10) life imprisonment;
11) death penalty.

Para. 2 of this article also provides for confiscation of property and deprivation of military or other special ranks as additional forms of punishment. Community service, fines or deprivation of the right to occupy certain positions or conduct certain activities can be used as a main or additional form of punishment (Article 48, para. 3, of the Criminal Code).

Besides imprisonment as such or life imprisonment, such sentences as detention, restriction of liberty and the death penalty (from the moment of sentencing to the moment of execution) also lead to confinement in penitentiary institutions.

A punishment in the form of restriction of liberty is served in the “open type correction institutions”, which, according to reports received by the Mission, look like dormitories and are located in small communities. Those sentenced to restriction of liberty must work, but they go from their place of confinement to their place of work unescorted and don’t wear uniforms. During their free time the convicts must stay on the territory of the correction institution. Their actions and movements in the correction settlement are closely watched and they can be sentenced to impri-sonment for any minor violation (this happened with A.Phinkevich, until his sentence was successfully appealed).

Those sentenced to detention (detention can last as long as six months) serve their sentences in detention institutions in strict isolation locked up in their cells (in the same manner as those sentenced to imprisonment). While serving this sentence detainees can have one short-term visit. They are escorted in all their moves (Article 58 of the Correctional Code of the RB).

Those sentenced to imprisonment serve their sentences in correction colonies with various security levels, and in prisons. Graveness of the crime and previous convictions determine the type of institution where a convict is sent. Disciplinary violations in prison may lead to placement in harsher conditions; while better conditions are used as a reward for good behavior.

The institutions are differentiated as follows (from the lowest level of security to the highest):
- Correction facilities with regular, increased or high security level;
- Correction facilities with enforced security level;
- Prisons.

Particularly dangerous habitual criminals, those sentenced to life imprisonment, and pardoned capital convicts serve their sentences in correction facilities with enforced security levels and in prisons.

Correction facilities may be placed in residential buildings (one building is designed for several dozen people) or in prison-like buildings which have harsher conditions. As a rule, detainees can move freely within the borders of the colony. Detainees are obligated to work but employment is not provided for everyone. Detainees’ labor is extremely low paid. The Mission received reports of the use of slave labor in correction facilities but had no opportunity to verify them.

Detainees are entitled to have short-term (up to four hours) and long-term (up to three days) visits, to receive packages and parcels, and to purchase food with their own money.

	Visits (short/long)		Parcels	Packages
Regular	3	3	4	2
Increased	3	2	3	2
High	2	2	2	2
Enforced	2	1	1	2
Prison	2	0	1	2

In all the institutions detainees move under escort (Article 66 of the Correctional Code).

B. Prison conditions for capital convicts

Belarus is the only country in Europe and the former USSR where the death penalty is still being used. (Uzbekistan abolished capital punishment in January 2008).

The issue of the death penalty was included in the agenda of the 1995 referendum organized by President Lukashenko, and 80.4% of citizens voted for the use of capital punishment. The referendum did not observe all democratic procedures. For example, during the referendum campaign a sample of the "properly" filled-in ballot was publicised, the one against the abolition of the death penalty. Results of the referendum allowed the authorities to use "people's will" as a pretext for continuing the use of the death penalty and not introducing a moratorium on death penalty sentences.

Reports on the number of capital sentences are published. From the beginning of 2000 there have been no more than 10 death sentences per year. For example, in 2006, the court issued nine[85] death sentences and in 2007 – four. However, the number of actual executions and information about Belarusian President exercising his right to pardon is still classified.

The death penalty is executed by firing squad immediately after it is announced to the convict that his motion for pardon was rejected by the President of the Republic of Belarus. Neither the convict nor his relatives are informed about the date of execution in advance, and the body is not given to the convict's relatives after the execution. The UN Human Rights Committee condemned Belarus twice for secrecy surrounding the execution of death sentences, which violates Article 7 of the ICCPR[86].

Until approximately 2003, non-governmental organizations were able to investigate issues related to the death penalty cases. Recently, however, despite the decrease in using the death penalty, access to information regarding executions became much more difficult.

All capital convicts are kept in the basement of the Minsk pre-trial detention facility on Volodarskogo street. They stay in the death ward for a period of six months to a year and a half[87]. While preparing this report the Mission was able to determine the duration of the stay in the death ward for Sergei Morozov, Valeri Gorbatii and Igor Danchenko. Their sentence came into force on October 9, 2007[88], and they were executed on February 5, 2008[89], i.e. they spent just under four months awaiting death. According to the Chairman of NGO "Pravovaia Initsiativa" (Legal Initiative), Dr. Philippov, who visited two death wards during 1990 – 2000, the size of one of them was 2 by 3 meters, the other one was a little bigger. Each of the cells had two bunk beds, a bed-side chest for personal belongings, and a hole in the ground for a toilet that was not in any way separated from the rest of the cell. No daylight penetrates the death cell, but a lamp bulb is on 24 hours a day. Capital convicts are taken for a walk once a week. Capital convicts do not work on the territory of the detention facility.

Capital convicts are not allowed to have any correspondence (they are prohibited from writing anything at all), to receive parcels, or to have access to TV. Thus, they are fully cut off from the world. According to O.Volchek, capital convicts *"sit in the dog-house, in their stripy uniform, just like it is in the movies, and go crazy"*.

C. Prison conditions for convicts

Timofey Dranchuk was sentenced to 1 year of imprisonment in the regular security facility and was sent to the Minsk correction facility #1 to serve his sentence from September 30 until December 26, 2006. Correction facility #1 is a model one. There is a so-called "red zone" on the territory of the colony, where police officers serve their sentences. This is how T.Dranchuk described it:

> *"The intellectual level of the detainees is different from that of other institutions' inmates, but an atmosphere of distrust prevails. When I got there I was immediately told that there they have a "state within a state", and that I shouldn't dare to make any political conversations. The atmosphere of distrust, where detainees were afraid to talk to each other openly...".*

Conditions in the facilities can be described as army-like harsh discipline and psychological pressure. Minor violations of internal regulations lead to severe punishments, and often allegations of violations are fabricated.

Once, when Mikhail Marinich (former Mayor of Minsk city, former Minister and Ambassador of Belarus in Latvia)[90] was serving his sentence in the correction colony #1, prison guards suddenly came into his cell, searched it, found a couple of breadcrumbs and accused him of violating the institution's regime. On another occasion he was ill and did not come out for morning exercises. The guards then tore up his certificate stating that he was ill and accused him of violating the regime again.

Nutrition

In the morning detainees receive a cup of tea, a loaf of white bread and nonfat porridge; for lunch they are given soup and porridge, and every other day the porridge has braised meat conserve in it; and for dinner they have porridge and a piece of bread. Sometimes they are also given fish. The amount of food is insufficient, but the quality is acceptable. *"Those who received no parcels could survive"* (T.Dranchuk).

When A.Klimov was serving several months of his sentence in the Mozyr city correction colony, presumably in October of 2007, he had the contents of his food parcel confiscated (pasta, potato puree, sausage, nuts, tea). The food items were returned to him by November 7, 2007, but by that time they were expired. According to medical reports, A.Klimov could eat prison food only once a day – at lunch time. Thus, confiscation of the contents of his food parcels negatively affected his health.

Due to increased number of TB cases, on January 1, 2007, the Department for Execution of Penalties (DEP) of the Ministry of Interior of Belarus changed the prison ration by including more fats and dairy products.

Employment of detainees

In the correction facility T.Dranchuk was included in a brigade which worked for two business companies and made windows. Work-related accidents happened about once a week. Members of this brigade receive the highest wages (up to 400 Belarusian rubles[91]), but 75 % of the money went to the budget of the correction facility for the upkeep of detainees. In the facility detainees also produce mattress springs. They work six days a week and receive 10-15 thousand Belarusian rubles[92]. The work is compulsory, refusal to work leads to 15 days of imprisonment in a punitive isolation ward. The only way to avoid work is to receive, legally or not, a medical certificate stating that you are not fit to do so.

According to the ILO Convention concerning Forced or Compulsory Labour ratified by Belarus in 1956, such labor of the detainees is considered as *"forced or compulsory labour [which] shall mean all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily"*[93] if the work or service is not "carried out under the supervision and control of a public authority and that the said person is not hired to or placed at the disposal of private individuals, companies or associations". The article 4 states : "Where such forced or compulsory labour for the benefit of private individuals, companies or associations exists at the date on which a Member's ratification of this Convention is registered by the Director-General of the International Labour Office, the Member shall completely suppress such forced or compulsory labour from the date on which this Convention comes into force for that Member."

Punitive isolation ward

The administration of a detention facility may decide to place a person who violated the rules of the institution in the punitive isolation ward for a period of up to 15 days. However, according to the reports received by the Mission, detainees may be placed there several times in a row, which means that a person may end up spending 30 or even 45 days there.

A punitive isolation ward is a stone cell with a bed, which is lifted up towards the wall during the day, a stool and a toilet. During the summer the temperature in the ward reaches not more than 5 degrees Celsius. However, before being placed in the punitive cell detainees have their warm clothes taken away from them. *"According to detainees, every year 5-6 people die in the punitive cell. Many contract tuberculosis. As far as furniture is concerned, there is only a stool measuring 15 by 15 cm. It is not allowed to lean against the wall"*[94]. Detainees placed in he punitive cell receive less food.

This is how O.Volcheck described the punitive isolation ward: *“All walls are covered in plaster which swells from humidity and cracks, accumulating dirt and microbes. After 10 days of incarceration in the ward detainees fall ill”.*

85. Statement of the Chairmen of the Supreme Court, Valentin Sukalo, on press-conference, February 12, 2007.
86. UN HRC, *Lyashkevich v. Belarus*, Comm. no. 887/1999, 03.04.2003; *Bondarenko v. Belarus,* Comm. no. 886/1999, 03.04.2003.
87. Interview with the lawyer of the Belarusian Helsinki Committee, O. Hulak.
88. News archive on the web-site of the Russian SC www.supcourt.by
89. Press-release of the Council of Europe 086(2008) from February 6, 2008.
90. Was convicted of stealing personal belongings and sentenced in December 2004 to five years of imprisonment; then released on parole in April of 2006.
91. Just over 130 EURO.
92. 3-5 EURO.
93. http://www.ilo.org/ilolex/english/newratframeE.htm
94. Interview with T.Dranchuk.

VI. LEGAL REMEDIES

In Belarus, there is a shortage of legal remedies which can protect individuals from inhumane treatment in custody.

Restrictions of the rights of detainees cannot be challenged in court. The Belarusian Constitutional Court cannot receive individual complaints. In accordance with Article 116 of the Constitution of Belarus, only the President of Belarus, both chambers of the Parliament (Chamber of Representatives and Republican Council), the Council of Ministers, the Supreme Court and the Supreme Economic Court can submit "suggestions" to the Constitutional Court to verify the constitutionality of laws. The Supreme Court and the Supreme Economic Court can only address the Constitutional Court beyond the scope of an individual case, thus, lower courts cannot address the Constitutional Court at all.

Also, detainees cannot challenge the legality of regulations related to prison conditions. Article 353 of the Code of Civil Procedure only provides for the possibility to challenge individual actions of governmental bodies that violated the rights and freedoms of private individuals.

All interlocutors of the Mission claimed that the prosecutor's supervision was ineffective. Detainees can send a complaint to the prosecutor through the administration of the detention facility, but such complaints bring no results. It needs to be emphasized that, due to certain provisions of the CCP, at the stage of preliminary investigation detainees have virtually no right to file a complaint to the court. Even if prosecutors wanted to take some measures in reaction to detainees' complaints, transfers of detainees between different institutions would not stop inhumane treatment: apparently, prisons conditions are fairly similar in all detention facilities of the Ministry of Interior.

Roman Kisliak, a human rights defender from Brest, was arrested on October 13, 2007, on the eve of the "European March". He was charged with "petty hooliganism" and placed in the Brest city Leninski district pre-trial detention facility for two days. Upon his release he sent a complaint to the administration of the Leninski district Department of Interior, in which he stated that conditions of his detention in the pre-trial facility violated Article 7 of the ICCPR. In particular, "the toilet system in the facility violates human dignity, the cells are cold (approximately +10 – 14 Celsius), and detainees have to sleep on a wooden platform. There are no mattresses, blankets, pillows or beddings. There is a lack of drinking water". In its official response to the complaint, the administration of the District Department of Interior indirectly admitted the violations of the detention condition norms, explaining that an inspection was subsequently carried out in the detention facility which concluded that the institution's administration "needs to create normal detention conditions"[95].

According to reports received by the Mission, in 2007 authorities established a Committee for supervising the penitentiary system, which can theoretically[96] include representatives of non-governmental organizations. Results of the Committee's work have been obscure, but there is no doubt that its effectiveness will be hampered by the non-inclusion of independent experts.

The Mission received only one report about a civil suit regarding health damage which resulted from improper conditions of detention. The district court which was handling the case rejected the complaint despite that fact that on the second day after his release the former detainee was diagnosed with an open form of tuberculosis.

The only international legal remedy available for those whose rights were violated by Bela-rusian state bodies is an individual complaint to the UN Human Rights Committee, which can decide on violations of the ICCPR. Up to now, the UN Human Rights Committee has examined only one case regarding prison conditions in Belarus, *Bandajevsky v. Belarus*[97]. The UN Human Rights Committee concluded that there was a violation of Article 10 of the ICCPR because the Applicant did not have any access to a bed or means of personal hygiene and sanitation. The UN Human Rights Committee concluded that Belarusian authorities had to pay compensation to the Applicant and take other measures to enforce the conclusion of the Committee. It is obvious that the enforcement of the Committee's views requires the adoption of certain measures aimed at improving prison conditions in the country. However, the way Belarusian authorities treated previous conclusions of the UN Human Rights Committee, which revealed violations of the ICCPR[98], leave little hope that the Committee's decision in the *Bandajevsky* case will be enforced.

In Belarus, there are no factors which would stimulate reforms in the areas of criminal procedure or the penitentiary system[99]. Such stimulus could have been provided by the work of the European Committee for the Prevention of Torture, which operates on the basis of the European Convention for the prevention of Torture, Inhumane or Degrading Treatment or Punishment of 1987[100]. This Convention was adopted in the framework of the Council of Europe but also is open to non-member states. However, it has not been ratified by Belarus.

95. *Authorities admit treating detainees badly*, November 26, 2007, http://www.spring96.org/be/news/19384/

96. In practice all non-governmental human rights organizations, apart from the Belarusian Helsinki Committee, are not registered, that's why their members cannot participate in the work of such commissions.

97. UNHRC, *Yuri Bandajevsky v. Belarus*, Comm. no. 1100/2002, 28 March 2006.

98. In its conclusion in the case *Pastukhov v. Belarus* (Comm. no. 814/1998, 5 August 2003) the UN Human Rights Committee found violations of Articles 25, 2 and 14 of the ICCPR (Access to civil service, interference with independence of judiciary), since the Applicant was illegally re-moved from his position of a Judge of the Constitutional Court by the President of Belarus. The UN Human Rights Committee indicated that the Applicant is to be granted legal remedies, including compensation. However, no com-pensation was paid, M.Pastukhov was not reinstated in his position of a Judge of the Constitutional Court, and no measures were taken to prevent interference of the President with independence of the judicial system. In its recent Views, including *Zvozskov et al. v. Belarus* (Comm. no. 1039/2001, 17 October 2006) and *Belyatskiy et al. v. Belarus* (Comm. no. 1296/2004, 24 July 2007) the UN Human Rights Committee found a violation of Article 22 of the ICCPR (the right to freedom of asso-ciation) because non-governmental organizations "Helsinki XXI" and human rights center "Viasna" were stripped of their registration. In 2007 in accordance with court decisions both organizations were not granted registration again.

99. For example, in Russia, judicial practice of the Russian Constitutional Court and of the European Court of Human Rights, as well as the membership in the Council of Europe, were serious stimulus for reforming the system of criminal procedures and improving prison conditions.

100. European Treaty Series no. 126.

CONCLUSION

Despite certain limited improvements (construction of new pre-trial and temporary detention facilities, overall satisfactory conditions in KGB detention facility, establishment of public committees to supervise the penitentiary system), prison conditions in Belarus are extremely unsatisfactory, and amount to inhumane treatment prohibited by the International Covenant on Civil and Political Rights, the UN Convention against Torture and Other Cruel, Inhumane and Degrading Treatment or Punishment and other international treaties ratified by the Republic of Belarus :

- Detainees have no access to basic legal documents which define their rights and obligations;
- Detainees are virtually deprived of legal protection;
- Conditions are particularly hard for administrative detainees: no beds, showers, walks, over-crowding of the cells, poor sanitation, bad quality of food and water, prohibition of parcels, etc.;
- Conditions of detention facilities of the Ministry of Interior are also poor: over-crowding, high humidity, low temperatures in the winter and high temperatures in the summer, low quality of food, widespread tuberculosis;
- Detainees placed in punitive isolation wards are kept incommunicado, in low temperatures, and with no possibility to move; the quality of food is low and the amounts are insufficient, which leads to grave illnesses;
- Conditions of transportation of detainees are extremely unsatisfactory as they may be deprived of food or water for days;
- Capital convicts are kept in complete isolation from the world and are unaware of their fate;
- Mass arrests in times of political tension lead to totally unacceptable conditions of detention.

Belarusian authorities should conduct in-depth reform of criminal procedures and penitentiary systems with a view to eliminate cruel treatment of detainees. However, such reform would require a broad public discussion, involvement of experts independent from executive control, including non-governmental and inter-governmental organizations (such as Council of Europe or European Union). Accordingly, a condition for the success of such reforms should be the unhindered operation (including reinstatement in the status in case of a previous liquidation) of non-governmental organizations and an independent press, as well as cooperation with European and international bodies.

Third states should refuse to extradite suspects to Belarus because the conditions of detention there are inhumane and make adequate legal defense in criminal proceedings impossible[101].

RECOMMENDATIONS

1 – To the Belarusian authorities

On the administration of justice

- Guarantee the independence of the judiciary by establishing proper rules regarding the process of appointment, promotion and dismissal of judges; by ensuring that judges are irremovable; and by abolishing the system of “substitute judges”;
- Abolish the right of the higher courts to withdraw cases from the lower court for first-instance examination;
- Introduce judicial review of prosecutors’ decisions to place a person in custody or to extend the period of detention in custody; to provide effective remedies for people in detention when their rights are being violated by law enforcement officers; to ensure full respect of the UN basic Principles on the Independence of the Judiciary;
- Introduce the right to challenge before a court actions and decisions of investigative bodies affecting rights and liberties of suspects and accused;
- Put an end to the control of defense attorneys by the Ministry of Justice and revise the legislation regulating the Bar association in order to ensure its full independence, in conformity with the UN Basic Principles on the Role of Lawyers;
- Abolish administrative arrest, as it does not offer the necessary fair trial guarantees;
- Adopt an immediate moratorium on the death penalty, as a first step towards abolition, and refrain from instrumentalizing the supposed popular support of capital punishment in order to avoid any reform in this field; on the contrary, awareness raising campaigns should be

101. Member-states of the Convention on Human Rights and Fundamental Freedoms are to observe the prohibition on extradition to third states if the state of destination may subject the extradited person to torture, inhumane or degrading treatment or punishment. (Eur. Ct. H.R., Soering v. the United Kingdom, judgment of 7 July 1989, Series A no. 161, pp. 35-36, §§ 89-91), or try him in a clearly unfair trial (Eur. Ct. H.R., Mamatkulov and Askarov v. Turkey [GC], nos. 46827/99 and 46951/99, 04.02.2005, § 90, ECHR 2005-I).

launched focusing notably on the absence of dissuasive effect of that punishment; put an end to the secrecy surrounding executions and make the number of executions public in order to allow an informed public debate on this issue;
- Adopt all legal and administrative measures to prevent acts of torture on the territory of Belarus;
- Open independent and impartial enquiries in case of allegations of torture by a detainee ;
- Establish criminal, civil and administrative sanctions for violation of legal procedures (arrest, interrogation, treatment of detainees) ;
- Implement the recommendations of the UN Human Rights Committee and other UN treaty bodies as well as those of the UN Human Rights Council's human rights mechanisms (in particular of the UN Special Rapporteur on Human Rights in Belarus and of the Working Group on Arbitrary Detention);
- Ratify the UN Convention for the Prevention of Torture and Inhumane or Degrading Treatment or Punishment; to ratify the Optional Protocol (Istanbul Protocol) to CAT, establishing a system of regular visits undertaken by independent international and national bodies to places where people are deprived of their liberty, in order to prevent torture and other cruel, inhuman or degrading treatment or punishment;
- Ratify the UN International Convention for the Protection of All Persons from Enforced Disappearance;
- To submit the State report to the UN Committee against torture and the UN Human Rights Committee;
- Issue a standing invitation to UN special procedures, and reply positively in particular to the requests to visit by the UN Special Rapporteur on Torture (request dating back to 2005, renewed in 2007), the Special Representative of the Secretary general on the situation of human rights defenders and the UN Special Rapporteur on freedom of opinion and expression (request dating back to 2003);
- Ratify the Council of Europe Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment.
- Cooperate fully with the OSCE mechanisms on Human Dimension, notably ODIHR, and with the OSCE office in Minsk.
- Conform with the OSCE Human Dimension commitments in particular in the field of Rule of Law and relating to civil and political rights.

On conditions of detention

- Ensure that conditions of detention, both in pre-trial detention facilities and for convicted detainees, conform to international human rights standards, in particular the prohibition of cruel, inhuman or degrading treatment or punishment (Art. 7 of the ICCPR); the UN Standard Minimum Rules for the Treatment of Prisoners, the UN Basic Principles for the Treatment of Prisoners and the UN Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment should guide the government's policies in that field.
- Separate the functions of investigation and supervision over detainees, and transfer detention facilities to the jurisdiction of the Ministry of Justice;
- Ensure that visits to detention places by Prosecutors take place in a systematic and regular way;
- Immediately revise the special rules governing the conditions of detention of death row prisoners, in order to avoid unnecessary suffering for them and their family;
- Guarantee access to all detention facilities by both international and local independent NGOs;
- Ensure a proper compensation for human rights violations occurring in detention, including negative impact on health;
- Ensure permanent human rights training of law enforcement officers, including prison guards;
- Fully comply with the ILO Convention concerning Forced or Compulsory Labour (n° 29, 1932).

2 – To the European Union

- Address the issue of conditions of detention in the framework of its dialogue at various levels with the authorities of Belarus and especially on the occasion of EU troïka meetings with Belarussian authorities; make a demarche towards the Belarusian authorities under the EU Guidelines on Torture, based on the findings of the present report; including:
- request for information on allegations of torture and ill-treatment in prison,
- specific actions on individual cases documented in this report,
- recommendations for the"adoption and implementation of safeguards and procedures relating to places of detention".

- Address the issue of human rights defenders and arbitrary restrictions to local NGO's activities and existence under the EU Guidelines on human rights defenders.

3 – To the UN general Assembly

- Member states should renew their resolution concerning the human rights situation in Belarus, including prison conditions.

4 – To the OSCE

- The Office for Democratic Institutions and Human Rights (ODIHR) should closely monitor the conditions of detention in Belarus, and contemplate the possibility of engaging in technical cooperation projects in the field of the human dimension; the ODIHR indeed has a broad mandate to uphold the human dimension commitments of participating states;

- The OSCE office in Minsk, in the framework of its mandate to consolidate the Rule of Law, should pay special attention to the conditions in detention facilities;

- The OSCE Parliamentary Assembly should follow-up the issues raised in this report, and invite its Belarusian members to take the relevant legislative initiatives to bring domestic law in conformity with international human rights standards in this field.

LIST OF PERSONS CONTACTED BY THE MISSION MEMBERS

Natalia Starastina, former administrative detainee in Minsk
Tatiana Klimova, wife and civic defender of detainee Andrei Klimov
Boris Garetski, member of the movement “Malady Front” (Young Front)
Nikolai Lemianouski, an activist of the Belarusian People’s Front in Grodno
Sergei Malchik, Head of the Belarusian People’s Front in Grodno region
Vadim Saranchuckov, Head of Belarusian People’s Front in Grodno city
Ivan Roman, Chairman of the Grodno region division of the Radio and electronic industry trade union
Maxim Gubarievich, an activist of Belarusian People’s Front in Grodno
Alexander Paradkov, a lawyer for an independent trade union “Azot”
Pavel Mozheiko, a coordinator of the Grodno region division of the movement “Za Svobodu” (For Freedom)
Edvard Dmukhovski, the Head of the Grodno region division of the movement “Za Svobodu” (For Freedom)
Yuri Istomin, Chairman of the Grodno region division of the United Civic Party
Dmitri Slutski, Chairman of the Grodno city division of the United Civic Party
Vladimir Larin, a member of the United Civic Party
Olga Zavadskaya, Mother of the disappeared Dmitrii Zavadskii
Igor Rynkevich, a defense attorney
Viacheslav Sivchick, a political activist
Alexander Makaev, a representative of the Movement of Private Entrepreneurs
Vladimir Romanovski, a representative of the Association of Stalin’s Repression Victims
Raisa Mikhailovskaya, a lawyer of the Association “Pravovaia Pomosh Naseleniu” (Legal assistance for people)
Irina Zhykhar, Chair of the Belarusian Association for Working Women
Mikhail Pastukhov, a lawyer of the Belarusian Journalist Association, a former Judge of the Constitutional Court of the Republic of Belarus
Sergei Matskevich, representative of the Association of Belarusian Non-governmental Organizations
Valeri Philippov, representative of “Helsinki 21”
Oleg Volchek, Human Rights Center “Pravovaia Pomosh Naseleniu” (Legal assistance for people), former investigator
Garry Pogoniailo, a representative of the Legal Commission of the Belarusian Helsinki Committee
Tatiana Gatsura, Executive Director of the Belarusian Helsinki Committee
Oleg Hulak, a lawyer of the Belarusian Helsinki Committee
Sergei Skrebets, a former deputy of the Parliament of the Republic of Belarus
Enira Bronitskaya, an international coordinator of the Committee “Solidarnost” (Solidarity)
Timophei Dranchuk, Belarusian Committee for Protecting the Rights of Detainees “Nad Barierom” (Above the barrier)
Aliaksei Yanukevich, Deputy Chairman of the Belarusian People’s Front
One of the defense attorneys interviewed by the Mission wanted to stay anonymous.
Mireille Musso, French Ambassador to Belarus
Philippe Seigneurin, First council of the French Ambassador to Belarus
Angelique Jouk, press-attaché of the French Embassy in Belarus
Vagram Abajian, Deputy Head of the OSCE office in Minsk

Members of the Mission express their gratitude to all their interlocutors for their detailed responses to the Mission’s questions.

LIST OF ABBREVIATIONS

BHC	Belarusian Helsinki Committee
SC	Supreme Court
SEC	Supreme Economic Court
DEP	Department for Executing Penalties
TDF	Temporary detention facility
KGB	Committee for State Security
CAO	Code of Administrative Offences
CAT	UN Committee against Torture
HRC	UN Human Rights Committee
CJSJ	Code on Judiciary and Status of Judges
ICCPR	International Covenant on Civil and Political Rights
NRLA	National Register for Legal Acts
UN	United Nations
CAP	Code of Administrative Procedure
RB	Republic of Belarus
CC	Criminal Code
CCP	Code of Criminal Procedure
OIC	Offenders’ Isolation Centre

FIDH represents 155 Human Rights organisations

155 organisations

ALBANIA - ALBANIAN HUMAN RIGHTS GROUP
ALGERIE - LIGUE ALGERIENNE DE DEFENSE DES DROITS DE L'HOMME
ALGERIE - LIGUE ALGERIENNE DES DROITS DE L'HOMME
ALLEMAGNE - INTERNATIONALE LIGA FUR MENSCHENRECHTE
ARGENTINA - CENTRO DE ESTUDIOS LEGALES Y SOCIALES
ARGENTINA - COMITE DE ACCION JURIDICA
ARGENTINA - LIGA ARGENTINA POR LOS DERECHOS DEL HOMBRE
ARMENIA - CIVIL SOCIETY INSTITUTE
AUTRICHE - OSTERREICHISCHE LIGA FUR MENSCHENRECHTE
AZERBAIJAN - HUMAN RIGHTS CENTER OF AZERBAIJAN
BAHRAIN - BAHRAIN CENTER FOR HUMAN RIGHTS
BAHRAIN - BAHRAIN HUMAN RIGHTS SOCIETY
BANGLADESH - ODHIKAR
BELARUS - HUMAN RIGHTS CENTER VIASNA
BELGIQUE - LIGUE DES DROITS DE L'HOMME
BELGIQUE - LIGA VOOR MENSCHENRECHTEN
BENIN - LIGUE POUR LA DEFENSE DES DROITS DE L'HOMME
BHUTAN - PEOPLE'S FORUM FOR HUMAN RIGHTS IN BHUTAN
BOLIVIA - ASAMBLEA PERMANENTE DE LOS DERECHOS HUMANOS DE BOLIVIA
BOTSWANA - THE BOTSWANA CENTRE FOR HUMAN RIGHTS – DITSHWANELO
BRASIL - CENTRO DE JUSTICA GLOBAL
BRASIL - MOVIMENTO NACIONAL DE DIREITOS HUMANOS
BURKINA - MOUVEMENT BURKINABE DES DROITS DE L'HOMME & DES PEUPLES
BURUNDI - LIGUE BURUNDAISE DES DROITS DE L'HOMME
CAMBODGE - LIGUE CAMBODGIENNE DE DEFENSE DES DROITS DE L'HOMME
CAMBODIA - CAMBODIAN HUMAN RIGHTS AND DEVELOPMENT ASSOCIATION
CAMEROUN - LIGUE CAMEROUNAISE DES DROITS DE L'HOMME
CAMEROUN - MAISON DES DROITS DE L'HOMME
CANADA - LIGUE DES DROITS ET DES LIBERTES DU QUEBEC
CHILE - CORPORACIÓN DE PROMOCIÓN Y DEFENSA DE LOS DERECHOS DEL PUEBLO
CHINA - HUMAN RIGHTS IN CHINA
COLOMBIA - ORGANIZACIÓN FEMININA POPULAR
COLOMBIA - COMITE PERMANENTE POR LA DEFENSA DE LOS DERECHOS HUMANOS
COLOMBIA - CORPORACION COLECTIVO DE ABOGADOS
COLOMBIA - INSTITUTO LATINO AMERICANO DE SERVICIOS LEGALES ALTERNATIVOS
CONGO - OBSERVATOIRE CONGOLAIS DES DROITS DE L'HOMME
COSTA RICA - ASOCIACIÓN SERVICIOS DE PROMOCIÓN LABORAL
COTE D'IVOIRE - MOUVEMENT IVOIRIEN DES DROITS DE L'HOMME
COTE D'IVOIRE - LIGUE IVOIRIENNE DES DROITS DE L'HOMME
CROATIE - CIVIC COMMITTEE FOR HUMAN RIGHTS
CUBA - COMISION CUBANA DE DERECHOS HUMANOS Y RECONCILIACION NATIONAL
DJIBOUTI - LIGUE DJIBOUTIENNE DES DROITS HUMAINS
ECUADOR - CENTRO DE DERECHOS ECONOMICOS Y SOCIALES
ECUADOR - COMISION ECUMENICA DE DERECHOS HUMANOS
ECUADOR - FUNDACION REGIONAL DE ASESORIA EN DERECHOS HUMANOS
EGYPT - EGYPTIAN ORGANIZATION FOR HUMAN RIGHTS
EGYPT - HUMAN RIGHTS ASSOCIATION FOR THE ASSISTANCE OF PRISONNERS
EL SALVADOR - COMISION DE DERECHOS HUMANOS DE EL SALVADOR
ESPANA - ASOCIACION PRO DERECHOS HUMANOS
ESPANA - FEDERACION DE ASOCIACIONES DE DEFENSA Y DE PROMOCION DE LOS DERECHOS HUMANOS
ETHIOPIAN - ETHIOPIAN HUMAN RIGHTS COUNCIL
EUROPE - ASSOCIATION EUROPÉENNE POUR LA DÉFENSE DES DROITS DE L'HOMME
FINLANDE - FINNISH LEAGUE FOR HUMAN RIGHTS
FRANCE - LIGUE DES DROITS DE L'HOMME ET DU CITOYEN
GEORGIE - HUMAN RIGHTS CENTER
GRECE - LIGUE HELLENIQUE DES DROITS DE L'HOMME
GUATEMALA - CENTRO PARA LA ACCION LEGAL EN DERECHOS HUMANOS
GUATEMALA - COMISION DE DERECHOS HUMANOS DE GUATEMALA
GUINEE - ORGANISATION GUINEENNE POUR LA DEFENSE DES DROITS DE L'HOMME
GUINEE-BISSAU - LIGA GUINEENSE DOS DIREITOS DO HOMEN
HAITI - COMITÉ DES AVOCATS POUR LE RESPECT DES LIBERTÉS INDIVIDUELLES
HAITI - CENTRE OECUMÉNIQUE DES DROITS DE L'HOMME
HAITI - RÉSEAU NATIONAL DE DÉFENSE DES DROITS HUMAINS
INDIA - COMMONWEALTH HUMAN RIGHTS INITIATIVE
IRAN - DEFENDERS OF HUMAN RIGHTS CENTER
IRAN - LIGUE IRANIENNE DE DEFENSE DES DROITS DE L'HOMME
IRAQ - IRAQI NETWORK FOR HUMAN RIGHTS CULTURE AND DEVELOPMENT
IRLANDE - COMMITTEE ON THE ADMINISTRATION OF JUSTICE
IRLANDE - IRISH COUNCIL FOR CIVIL LIBERTIES
ISRAEL - ADALAH
ISRAEL - ASSOCIATION FOR CIVIL RIGHTS IN ISRAEL
ISRAEL - B'TSELEM
ISRAEL - PUBLIC COMMITTEE AGAINST TORTURE IN ISRAEL
ITALIA - LIGA ITALIANA DEI DIRITTI DELL'UOMO
ITALIA - UNIONE FORENSE PER LA TUTELA DEI DIRITTI DELL'UOMO
JORDAN - AMMAN CENTER FOR HUMAN RIGHTS STUDIES
JORDAN - JORDAN SOCIETY FOR HUMAN RIGHTS
KENYA - KENYA HUMAN RIGHTS COMMISSION
KIRGHIZISTAN - KYRGYZ COMMITTEE FOR HUMAN RIGHTS
KOSOVO - CONSEIL POUR LA DEFENSE DES DROITS DE L'HOMME ET DES LIBERTES
LAOS - MOUVEMENT LAOTIEN POUR LES DROITS DE L'HOMME
LEBANON - PALESTINIAN HUMAN RIGHTS ORGANIZATION
LEBANON - FOUNDATION FOR HUMAN AND HUMANITARIAN RIGHTS IN LEBANON
LETTONIE - LATVIAN HUMAN RIGHTS COMMITTEE
LIBAN - ASSOCIATION LIBANAISE DES DROITS DE L'HOMME
LIBERIA - LIBERIA WATCH FOR HUMAN RIGHTS
LIBYA - LIBYAN LEAGUE FOR HUMAN RIGHTS
LITHUANIAN - LITHUANIAN HUMAN RIGHTS LEAGUE
MALAYSIA - SUARAM
MALI - ASSOCIATION MALIENNE DES DROITS DE L'HOMME
MALTA - MALTA ASSOCIATION OF HUMAN RIGHTS
MAROC - ASSOCIATION MAROCAINE DES DROITS HUMAINS
MAROC- ORGANISATION MAROCAINE DES DROITS HUMAINS
MAURITANIE - ASSOCIATION MAURITANIENNE DES DROITS DE L'HOMME
MEXICO - COMISION MEXICANA DE DEFENSA Y PROMOCION DE LOS DERECHOS HUMANOS
MEXICO - LIGA MEXICANA POR LA DEFENSA DE LOS DERECHOS HUMANOS
MOLDOVA - LEAGUE FOR THE DEFENCE OF HUMAN RIGHTS IN MOLDOVA
MOZAMBIQUE - LIGA MOCANBICANA DOS DIREITOS HUMANOS
NETHERLAND - LIGA VOOR DE RECHTEN VAN DE MENS
NICARAGUA - CENTRO NICARAGUENSE DE DERECHOS HUMANOS
NIGER - ASSOCIATION NIGERIENNE DES DROITS DE L'HOMME
NIGERIA - CIVIL LIBERTIES ORGANISATION
NOUVELLE CALEDONIE - LIGUE DES DROITS DE L'HOMME DE NOUVELLE CALEDONIE
OCCUPIED PALESTINIAN TERRITORIES - RAMALLAH CENTRE FOR HUMAN RIGHTS STUDIES
OCCUPIED PALESTINIAN TERRITORIES - AL HAQ
OCCUPIED PALESTINIAN TERRITORIES - PALESTINIAN CENTRE FOR HUMAN RIGHTS
PAKISTAN - HUMAN RIGHTS COMMISSION OF PAKISTAN
PANAMA - CENTRO DE CAPACITACION SOCIAL
PERU - ASOCIACION PRO DERECHOS HUMANOS
PERU - CENTRO DE ASESORIA LABORAL
PHILIPPINE - PHILIPPINE ALLIANCE OF HUMAN RIGHTS ADVOCATES
POLYNESIE - LIGUE POLYNESIENNE DES DROITS HUMAINS
PORTUGAL - CIVITAS
RDC - ASSOCIATION AFRICAINE DES DROITS DE L'HOMME
RDC - GROUPE LOTUS
RDC - LIGUE DES ELECTEURS
RÉPUBLIQUE CENTRAFRICAINE - LIGUE CENTRAFRICAINE DES DROITS DE L'HOMME
RÉPUBLIQUE CENTRAFRICAINE - ORGANISATION POUR LA COMPASSION ET LE DÉVELOPPEMENT DES FAMILLES EN DÉTRESSE
RÉPUBLIQUE DOMINICAINE - COMISIÓN NATIONAL DE LOS DERECHOS HUMANOS
RÉPUBLIQUE TCHÈQUE - HUMAN RIGHTS LEAGUE
ROUMANIE - LIGUE POUR LA DEFENSE DES DROITS DE L'HOMME
RUSSIA - CITIZEN'S WATCH
RUSSIA - MOSCOW RESEARCH CENTER FOR HUMAN RIGHTS
RWANDA - ASSOCIATION POUR LA DEFENSE DES DROITS DES PERSONNES ET LIBERTES PUBLIQUES
RWANDA - COLLECTIF DES LIGUES POUR LA DEFENSE DES DROITS DE L'HOMME
RWANDA - LIGUE RWANDAISE POUR LA PROMOTION ET LA DEFENSE DES DROITS DE L'HOMME
SENEGAL - RENCONTRE AFRICAINE POUR LA DÉFENSE DES DROITS DE L'HOMME
SENEGAL - ORGANISATION NATIONALE DES DROITS DE L'HOMME
SERBIE - CENTER FOR PEACE AND DEMOCRACY DEVELOPMENT
SUDAN - SUDAN HUMAN RIGHTS ORGANISATION
SUDAN - SUDAN ORGANISATION AGAINST TORTURE
SUISSE - LIGUE SUISSE DES DROITS DE L'HOMME
SYRIA - DAMASCUS CENTER FOR HUMAN RIGHTS STUDIES
SYRIE - COMITE POUR LA DEFENSE DES DROITS DE L'HOMME EN SYRIE
TAIWAN - TAIWAN ALLIANCE FOR HUMAN RIGHTS
TANZANIA - THE LEGAL & HUMAN RIGHTS CENTRE
TCHAD - ASSOCIATION TCHADIENNE POUR LA PROMOTION ET LA DEFENSE DES DROITS DE L'HOMME (ATPDH)
TCHAD - LIGUE TCHADIENNE DES DROITS DE L'HOMME
THAILAND - UNION FOR CIVIL LIBERTY
TOGO - LIGUE TOGOLAISE DES DROITS DE L'HOMME
TUNISIE - ASSOCIATION TUNISIENNE DES FEMMES DÉMOCRATES
TUNISIE - CONSEIL NATIONAL POUR LES LIBERTES EN TUNISIE
TUNISIE - LIGUE TUNISIENNE DES DROITS DE L'HOMME
TURKEY - HUMAN RIGHTS FOUNDATION OF TURKEY
TURKEY - INSAN HAKLARI DERNEGI / ANKARA
TURKEY - INSAN HAKLARI DERNEGI / DIYARBAKIR
UGANDA - FOUNDATION FOR HUMAN RIGHTS INITIATIVE
UNITED KINGDOM - LIBERTY
USA - CENTER FOR CONSTITUTIONAL RIGHTS
UZBEKISTAN - HUMAN RIGHT SOCIETY OF UZBEKISTAN
UZBEKISTAN - LEGAL AID SOCIETY
VIETNAM - COMMITTEE ON HUMAN RIGHTS & QUE ME : ACTION FOR DEMOCRACY IN VIETNAM
YEMEN - HUMAN RIGHTS INFORMATION AND TRAINING CENTER
YEMEN - SISTERS' ARABIC FORUM FOR HUMAN RIGHTS
ZIMBABWE - HUMAN RIGHTS ASSOCIATION

The International Federation for Human Rights (FIDH) is an international non-governmental organisation dedicated to the world-wide defence of human rights as defined by the Universal Declaration of Human Rights of 1948. Founded in 1922, the FIDH has 155 national affiliates in all regions. To date, the FIDH has undertaken more than a thousand international fact-finding, judicial, mediation or training missions in over one hundred countries.

FIDH

17, passage de la Main d'Or - 75011 Paris - France
CCP Paris : 76 76 Z
Tél. : (33-1) 43 55 25 18 / Fax : (33-1) 43 55 18 80
E-mail : fidh@fidh.org
Web-site : http://www.fidh.org

Human Rights Center "Viasna"

E-mail : viasna@spring96.org
Web-site : www.spring96.org

Directrice de la publication : Souhayr Belhassen - Rédacteur en Chef : Antoine Bernard
Auteurs du rapport : Kirill Koroteev, Maria Chichtchenkova
Coordination du rapport : Alexandra Koulaeva
Assistante de publication : Céline Ballereau-Tetu
Imprimerie de la FIDH - Dépôt légal juin 2008 - N°500/2
Fichier informatique conforme à la loi du 6 janvier 1978 (Déclaration N° 330 675)